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**1994**

# ***Illinois Register***

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**Rules of Governmental Agencies**

Volume 18, Issue 43— Oct. 28, 1994

Pages 15665-16053

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Index Department  
Administrative Code Div.  
111 East Monroe Street  
Springfield, IL 62756  
(217) 782-7017

published by  
**George H. Ryan**  
Secretary of State



Printed on recycled paper



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## REGISTER PUBLICATION SCHEDULE 1994

Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:
Dec. 21, 1993	Dec. 28, 1993	1	Jan. 7, 1994	June 28, 1994	July 5, 1994	28	July 15, 1994
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Feb. 1, 1994	Feb. 8, 1994	7	Feb. 18, 1994	Aug. 9, 1994	Aug. 16, 1994	34	Aug. 26, 1994
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May 3, 1994	May 10, 1994	20	May 20, 1994	Nov. 7, 1994	Nov. 15, 1994	47	Nov. 28, 1994 (Mon.)
May 10, 1994	May 17, 1994	21	May 27, 1994	Nov. 15, 1994	Nov. 22, 1994	48	Dec. 2, 1994
May 17, 1994	May 24, 1994	22	June 3, 1994	Nov. 22, 1994	Nov. 29, 1994	49	Dec. 9, 1994
May 24, 1994	May 31, 1994	23	June 10, 1994	Nov. 29, 1994	Dec. 6, 1994	50	Dec. 16, 1994
May 31, 1994	June 7, 1994	24	June 17, 1994	Dec. 6, 1994	Dec. 13, 1994	51	Dec. 23, 1994
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June 14, 1994	June 21, 1994	26	July 1, 1994	Dec. 20, 1994	Dec. 27, 1994	1	Jan. 6, 1995
June 21, 1994	June 28, 1994	27	July 8, 1994	Dec. 27, 1994	Jan. 3, 1995	2	Jan. 13, 1995

Case note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).



## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Administration of the Illinois Public Community College Act

2) Code Citation: 23 Ill. Adm. Code 1501

3) Section Numbers: Proposed Action:

1501.201 amendment  
1501.301 amendment  
1501.302 amendment  
1501.303 amendment  
1501.304 amendment  
1501.308 amendment  
1501.309 amendment  
1501.508 amendment  
1501.510 amendment

4) Statutory Authority: Ill. Stat. 1991, ch. 122, pars. 102-4, 102-12d and 102-16.2) [110 ILCS 805/2-4, 2-12 d and 2-16.2]

5) A Complete Description of the Subject and Issues Involved: The proposed amendments are designed to reduce burdensome reporting requirements by eliminating and/or consolidating several of the current reporting requirements. The amendments also seek to clarify the definition of terms and to provide community colleges additional flexibility in the creation of programs and in the extension of existing programs.

6) Will these proposed amendments replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: These amendments do not create or expand a state mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Zachariah Mathew  
Special Assistant for Fiscal Affairs  
Illinois Community College Board  
509 South Sixth Street, Room 400  
Springfield, Illinois 62701-1874

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

Telephone: (217) 785-0015  
TDD: (217) 782-5645

12) Initial Regulatory Flexibility Analysis: Not Applicable.

The full text of the proposed amendments begins on the next page:

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER VII: ILLINOIS COMMUNITY COLLEGE BOARD

## PART 1501

## ADMINISTRATION OF THE ILLINOIS PUBLIC COMMUNITY COLLEGE ACT

## SUBPART A: ILLINOIS COMMUNITY COLLEGE BOARD ADMINISTRATION

Section	
1501.101	Definition of Terms
1501.102	Advisory Groups
1501.103	Rule Adoption (Recodified)
1501.104	Manuals
1501.105	Advisory Opinions
1501.106	Executive Director
1501.107	Information Request (Recodified)
1501.108	Organization of ICCB (Recodified)
1501.109	Appearance at ICCB Meetings
1501.110	Appeal Procedure
1501.111	Reporting Requirements (Repealed)
1501.112	Certification of Organization (Repealed)
1501.113	Administration of Detachments and Subsequent Annexations
1501.114	Recognition

## SUBPART B: LOCAL DISTRICT ADMINISTRATION

Section	
1501.201	Reporting Requirements
1501.202	Certification of Organization
1501.203	Delineation of Responsibilities
1501.204	Maintenance of Documents or Information
1501.205	Recognition Standards (Repealed)

## SUBPART C: PROGRAMS

Section	
1501.301	Definition of Terms
1501.302	Units of Instruction, Research, and Public Service
1501.303	Program Requirements
1501.304	Statewide and Regional Planning
1501.305	College, Branch, Campus, and Extension Centers
1501.306	State or Federal Institutions (Repealed)
1501.307	Cooperative Agreements and Contracts
1501.308	Reporting Requirements
1501.309	Course Classification and Applicability

## SUBPART D: STUDENTS

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

Section	
1501.401	Definition of Terms
1501.402	Admission of Students
1501.403	Student Services
1501.404	Academic Records
1501.405	Student Evaluation
1501.406	Reporting Requirements

## SUBPART E: FINANCE

Section	
1501.501	Definition of Terms
1501.502	Financial Planning
1501.503	Audits
1501.504	Budgets
1501.505	Nonresident Student Tuition Calculations
1501.506	Published Financial Statements
1501.507	Credit Hour Grants
1501.508	Special Populations Grants
1501.509	Workforce Preparation Grants
1501.510	Reporting Requirements
1501.511	Chart of Accounts
1501.514	Business Assistance Grants (Repealed)
1501.515	Advanced Technology Equipment Grants
1501.516	Capital Renewal Grants
1501.517	Retirees Health Insurance Grants
1501.518	Uncollectible Debts

## SUBPART F: CAPITAL PROJECTS

Section	
1501.601	Definition of Terms
1501.602	Approval of Capital Projects
1501.603	State Funded Capital Projects
1501.604	Locally Funded Capital Projects
1501.605	Project Changes
1501.606	Progress Reports (Repealed)
1501.607	Reporting Requirements
1501.608	Approval of Projects in Section 3-20.3.01 of the Act
1501.609	Completion of Projects Under Section 3-20.3.01 of the Act
1501.610	Demolition of Facilities

## SUBPART G: STATE COMMUNITY COLLEGE

Section	
1501.701	Definitions of Terms
1501.702	Applicability
1501.703	Recognition



## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

1501.704 Programs  
1501.705 Finance  
1501.706 Personnel  
1501.707 Facilities

## SUBPART H: PERSONNEL

Section  
1501.801 Definition of Terms  
1501.802 Sabbatical Leaves

**AUTHORITY:** Implementing and authorized by Articles II and III and Section 6-5.3 of the Public Community College Act (Ill. Rev. Stat. 1991, ch. 122, pars. 102-1 et seq., pars. 103-1 et seq., and par. 106-5.3) [110 ILCS 805/Art. 2, Art. 3, and 6-5.3]

**SOURCE:** Adopted at 6 Ill. Reg. 14262, effective November 3, 1982; codified at 7 Ill. Reg. 2332; amended at 7 Ill. Reg. 16118, effective November 22, 1983; Sections 1501.103, 1501.107 and 1501.108 recodified to 2 Ill. Adm. Code 5175 at 8 Ill. Reg. 6032; amended at 8 Ill. Reg. 14262, effective July 25, 1984; amended at 8 Ill. Reg. 19383, effective September 28, 1984; emergency amendment at 8 Ill. Reg. 22603, effective November 7, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 24299, effective December 5, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 3691, effective March 13, 1985; amended at 9 Ill. Reg. 9470, effective June 11, 1985; amended at 9 Ill. Reg. 16813, effective October 21, 1985; amended at 10 Ill. Reg. 3612, effective January 31, 1986; amended at 10 Ill. Reg. 14658, effective August 22, 1986; amended at 11 Ill. Reg. 7606, effective April 8, 1987; amended at 11 Ill. Reg. 18150, effective October 27, 1987; amended at 12 Ill. Reg. 6660, effective March 25, 1988; amended at 12 Ill. Reg. 15973, effective September 23, 1988; amended at 12 Ill. Reg. 16699, effective September 23, 1988; amended at 12 Ill. Reg. 19691, effective November 15, 1988; amended at 13 Ill. Reg. 1182, effective January 13, 1989; amended at 13 Ill. Reg. 14904, effective September 9, 1989; emergency amendment at 14 Ill. Reg. 299, effective November 9, 1989, for a maximum of 150 days; emergency amendment expired on April 9, 1990; amended at 14 Ill. Reg. 4126, effective March 1, 1990; amended at 14 Ill. Reg. 10762, effective June 25, 1990; amended at 14 Ill. Reg. 11771, effective July 9, 1990; amended at 14 Ill. Reg. 13997, effective August 20, 1990; amended at 15 Ill. Reg. 10929, effective July 11, 1991; amended at 16 Ill. Reg. 12445, effective July 24, 1992; amended at 16 Ill. Reg. 17621, effective November 6, 1992; amended at 17 Ill. Reg. 1853, effective February 2, 1993; expedited correction at 18 Ill. Reg. 3027, effective August 20, 1990; amended at 18 Ill. Reg. 4635, effective March 9, 1994; amended at 18 Ill. Reg. 8906, effective June 1, 1994; amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: LOCAL DISTRICT ADMINISTRATION

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

## Section 1501.201 Reporting Requirements

Complete and accurate reports shall be submitted by the district/college to the ICCB in accordance with ICCB requirements and on forms provided by the ICCB, where applicable.

Listed below is the schedule of due dates indicating when items from the community colleges are due at the Illinois Community College Board Office:

January 1	- construction project status reports [see Section 1501.607(a)]
January 31	- certificate of tax levy [see Section 1501.510(e)]
February 15	- spring semester enrollment survey [see Section 1501.406(a)]
May 30	- occupational follow-up study data for specified curricula (FS) [see Section 1501.406(c)]
July 1	- annual noncredit course enrollment survey
August 1	- <del>special-populations-grant-report-see-Section 1501-500(d)</del>
	- workforce preparation grant report [see Section 1501.509(f)]
	- advanced technology equipment grant report [see Section 1501.515(d)]
	- Resource Allocation and Management Plan (RAMP/CC) [see Section 1501.510(a)]
	- program review report [see Section 1501.303 (d)]
	- program review listing [see Section 1501.303 (d)]
	- credit hour certification, final report [see Section 2-16 of the Public Community College Act]
	- annual student enrollment and completion data [see Section 1501.406(a)]
September 1	- application for recognition for specified colleges [see Section 1501.202(d)]
	- underrepresented groups report/special populations grant report [see <del>Section</del> Sections 1501.406(d) and 1501.508(d)]
September 15	- unit cost data [see Section 1501.510(b)]
	- confirmation of ICCB grants and district credit hours by the external auditor [see Section 1501.503(b)]
October 1	- budget <del>tax--revenue</del> survey [see Section 1501.501(c)]
	- fall enrollment survey [see Section 1501.406(b)]



## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

- fall enrollment data [see Section 1501.406(a)]
  - ~~annual-salary-data-for-faculty-and-staff~~ **Section-1501-908(b)**
  - external audit [see Section 1501.503(a)]
  - special populations grant audit [see Section 1501.503(a)]
  - workforce preparation grant audit [see Section 1501.503(a)]
  - advanced technology equipment grant audit [see Section 1501.503(a)]
  - fiscal year budget [see Section 1501.504]
  - certificate of chargeback [see Section 1501.503(a)]
  - unexpended special populations grant funds [see Section 1501.508(f)]
  - unexpended workforce preparation grant funds [see Section 1501.509(h)]
  - audit/unit cost reconciliation statement [see Section 1501.510(d)]
  - faculty, staff, and salary data [see Section 1501.308(a)]
  - annual financial statements and notice of publication [see Section 1501.506]
  - ~~facility---and---staff---characteristics~~ **Section-1501-908(a)**
- 30 days after the end of each term - course resource data and credit hour claims [see Section 1501.606(b) and Section 1501.507(a)]
- 60 days after the end of the fall term - inventory of facilities [see Section 1501.606(c)]

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: PROGRAMS

## Section 1501.301 Definition of Terms

Associate Degree. An "Associate Degree" is an award for satisfactory completion of a curriculum of 60 semester credit hours or more.

Associate in Applied Science Degree. An "Associate in Applied Science Degree" is an award for the satisfactory completion of a prescribed curriculum intended to prepare individuals for employment in a specific field.

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

Associate in Arts Degree. An "Associate in Arts Degree" is an award for the satisfactory completion of a prescribed curriculum intended to transfer to baccalaureate degree programs in one of the arts, humanities, or social or behavioral sciences or one of the professional fields with these disciplines as a base.

Associate in Fine Arts Degree. An "Associate in Fine Arts Degree" is an award for the satisfactory completion of a prescribed curriculum intended to transfer to baccalaureate degree programs in one of the fine arts: art, music, or theater.

Associate in Engineering Science Degree. An "Associate in Engineering Science Degree" is an award for the satisfactory completion of a prescribed curriculum intended to transfer to baccalaureate degree programs in engineering.

Associate in General Studies Degree. An "Associate in General Studies Degree" is an award for the satisfactory completion of a curriculum that has been individually designed by mutual agreement between the student and his/her college-appointed advisor to meet the student's educational intent.

Associate in Science Degree. An "Associate in Science Degree" is an award for the satisfactory completion of a prescribed curriculum intended to transfer to baccalaureate degree programs in one of the mathematical, biological, or physical sciences or one of the professional fields with these disciplines as a base.

Branch. A "branch" is an administrative unit of a college that has a continuing educational mission and serves as a secondary instructional site for the college.

Campus. A "campus" is an organized administrative unit of a college that has a continuing educational mission and serves as a primary instructional site for the college.

Certificate. A "certificate" is an award for satisfactory completion of a series of courses or curriculum of 50 semester credit hours or less.

General certificate. A "general certificate" is an award for satisfactory completion of a series of courses of 30 semester credit hours or less in adult basic education, adult secondary education, remedial education, vocational skills, or general studies.

Occupational certificate. An "occupational certificate" is an award for satisfactory completion of a prescribed curriculum



## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

intended to prepare an individual for employment in a specific field.

College. A "college" is a District's administrative unit that is authorized by the Illinois Board of Higher Education to grant postsecondary-level degrees and certificates, is recognized by the ICCB, and provides a comprehensive program of instruction in accordance with Section 101-2(e) of the Act.

Course. A "course" is a sequential presentation, through one or more instructional modes, of subject matter in a particular field to meet specific objectives within a designated time period, such as a semester or a quarter.

Curriculum. A "curriculum" is an approved unit of instruction consisting of a series of courses designed to lead to an associate degree or a certificate.

General Studies. A "General Studies" curriculum consists of courses designed to meet individual student goals, in the promotion of personal improvement and self-understanding.

Remedial Education. A "Remedial Education" curriculum consists of courses in computation, communication (i.e., writing and speaking), and reading, designed to improve the competency of high school graduates, or those persons achieving high school equivalency through standardized testing, to the level necessary for placement into communication and mathematics courses required of first-year college students. Remedial courses reiterate basic skills that students were expected to have mastered prior to entry into post-secondary education.

Adult Basic Education. An "Adult Basic Education" curriculum consists of basic skills courses designed to bring students to a competency of eighth-grade equivalency, including English as a Second language instruction to a level of eighth-grade equivalency.

Adult Secondary Education. An "Adult Secondary Education" curriculum consists of courses designed to bring students to a competency of twelfth-grade equivalency, including English as a Second Language courses through the twelfth-grade equivalency and General Educational Development (GED) examination preparation.

District Curriculum. A "district curriculum" is a curriculum approved for offering within a district, on the basis of student interest, employment demand, and available resources within the district.

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

Regional Curriculum. A "regional curriculum" is a curriculum approved for offering within a particular planning region of the state, on the basis of student interest and employment demand within the region.

Statewide Curriculum. A "statewide curriculum" is a curriculum approved for offering on the basis of student interest and employment demand statewide.

Educational Agency. An "educational agency" is an agency, corporation, or other defined legal entity which offers instruction.

Extension Center. An "extension center" is an instructional site for the college that is used for offering some of the college's courses and/or programs for a limited duration.

Internship/Practicum. An "internship/practicum" is a course of planned and supervised training which allows the application of theory to actual practice and prepares a student for working independently in a specific career. The internship/practicum generally occurs after the student has completed 12 credit hours. It takes place at a regular worksite and instruction/supervision is shared by a college instructor/supervisor and a qualified employee at the worksite. Clinical practicums take place in a hospital or other medical/health facility and require close supervision/instruction/monitoring by a qualified college instructor.

Laboratory. A "laboratory" is a course of planned and supervised training in which students learn new methods or principles through experimentation, observation, and/or practice. A lab class can occur at the beginning, middle, or end of a particular course of study and may be a specially equipped room designed for experimentation, observation, and/or practice on the college campus or at the worksite.

Principal Site. The principal site is the official mailing address of the college.

Public Service. "Public service" consists of noncredit classes and other activities of an educational nature, such as workshops, seminars, forums, exhibits, and the provision of college facilities and expertise to the community, designed to be of service to the public.

Research. "Research" consists of investigations or experiments to discover or interpret facts, to revise accepted theories, or to apply such revised theories.

Secondary School. A "secondary school" shall be used to mean private

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

or parochial secondary school, public secondary school district, or public unit school district.

Unit of Instruction. A "unit of instruction" is any one of the following:

An organized program of study consisting of a sequence of courses that results in the award to a student of a certificate or an associate degree.

Any existing organized program of study offered at a new geographical location outside of the college district.

Any organized administrative entity that would have a continuing instructional mission, including but not limited to a college, campus, or branch.

Unit of Research or Public Service. A "unit of research or public service" is a college's subdivision such as a division, institute, or center, that administers one (or more) research or public service program.

Vocational Skills. "Vocational Skills" consists of courses designed to provide short-term job entry training, to upgrade the skills of persons already employed, or to review skills for career re-entry. Associate Degree. An "Associate Degree" is an award for satisfactory completion of a curriculum of 60 semester credit hours or more.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1501.302 Units of Instruction, Research, and Public Service

a) Approval of New Units of Instruction. Each proposed new unit of instruction shall be submitted to the ICCB for approval. The criteria for approval of new units of instruction, which also apply to existing programs offered by community colleges, are:

- 1) Mission and Objectives.
  - A) The objectives of the unit of instruction are consistent with the mission of the college as set forth in Section 1-2(e) of the Act.
  - B) The objectives of the unit of instruction are consistent with what the title of the unit of instruction implies.
- 2) Academic Control.
  - A) The design, conduct, and evaluation of the unit of instruction are under the direct and continuous control of the college's established processes for academic planning

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

and quality maintenance, and clear provision is made for ensuring a high level of academic performance of faculty and students.

B) The admission, course placement, and graduation requirements for the unit of instruction are consistent with the stated objectives of the unit of instruction and with Section 103-17 of the Act where applicable.

3) Curriculum. The content of the curriculum ensures that the objectives of the unit of instruction will be achieved.

A) The range of total number of credit hours required for completion of an associate degree curriculum shall be within the following parameters:

- i) For the Associate in Arts degree and the Associate in Science degree, a total requirement of not less than 60 semester credit hours nor more than 64 semester credit hours or the quarter credit hour equivalent;
- ii) For the Associate in Fine Arts and the Associate in Engineering Science degree, a total requirement of not less than 60 semester credit hours nor more than 68 semester credit hours or the quarter credit hour equivalent;
- iii) For the Associate in Applied Science degree, a total requirement of not less than 60 credit hours nor more than 72 semester credit hours or the quarter credit hour equivalent, except in such occupational fields in which accreditation or licensure by a state or national organization requires additional coursework; and

iv) For the Associate in General Studies degree, a total requirement of not less than 60 semester credit hours nor more than 64 semester credit hours or the quarter credit hour equivalent.

B) Each associate degree curriculum shall include a specific general education component consisting of coursework in communication, arts and humanities, social and behavioral sciences, and mathematics and science within the following parameters:

- i) For the Associate in Arts degree and the Associate in Science degree, the general education component required will represent at least 38 semester credit hours or the quarter hour equivalent for completion;
- ii) For the Associate in Fine Arts degree and the Associate in Engineering Science degree, the general education component required will represent at least 27 semester credit hours or the quarter hour equivalent for completion;
- iii) For the Associate in Applied Science degree, the general education component required will represent at least



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least 15 semester credit hour or the quarter hour equivalent for completion; and

iv) For the Associate in General Studies degree, the general education component required will represent no less than 20 semester credit hours or the quarter hour equivalent for completion.

- 4) Faculty and Staff.
  - A) The academic preparation and experience of faculty and staff ensure that students receive education consistent with the objectives of the unit of instruction.
  - B) The involvement of faculty in the unit of instruction is sufficient to cover the various fields of knowledge encompassed by the curriculum, to sustain scholarship appropriate to the unit of instruction, and to ensure curriculum continuity.
  - C) Support personnel, including counselors, administrators, clinical supervisors, and technical staff, have the educational background and experience necessary to carry out their assigned responsibilities.
- 5) Support Services.
  - A) Facilities, equipment, and instructional resources (e.g., laboratory supplies and equipment, instructional materials, computation equipment) necessary to provide quality instruction will be available and maintained.
  - B) Library holdings and acquisitions necessary to support quality instruction and scholarship are available, accessible, and maintained.
  - C) Provision is made for the guidance and counseling of students, the evaluation of student performance, the continuous monitoring of progress of students toward their degree or certificate objectives, the placement of completers of the unit of instruction, and appropriate academic record keeping.
- 6) Financing.
  - A) The financial commitments to support the unit of instruction are sufficient to ensure that the stated objectives can be attained and that the faculty, staff, and support services necessary to offer the unit of instruction can be acquired and maintained.
  - B) Projections of revenues necessary to support the unit of instruction are based upon supportable estimates of general revenue, student tuition and fees, private gifts, and/or governmental grants and contracts.
- 7) Public Information.
 

The information that the college provides to students and the public accurately describes: the unit of instruction offered; the objectives of the unit of instruction; length of the unit of instruction; residency requirements, if any; schedule of tuition,

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fees, and all other charges and expenses necessary for completion of the unit of instruction; cancellation and refund policies; and such other material facts concerning the college and the unit of instruction as are likely to affect the decision of the student to enroll.

- 8) Accreditation and Credentialing.
  - A) Appropriate steps have been taken to ensure that accreditation of the proposed new unit of instruction will be granted in a reasonable period of time.
  - B) The proposed new unit will provide the skills required to obtain individual credentialing (certification, licensure, registration) needed for entry into an occupation as specified in the objectives of the proposed new unit of instruction.
- 9) Program Needs and Priorities.
  - A) The unit of instruction must be educationally and economically justified based on the educational priorities and needs of the citizens of Illinois and the college's district.
  - B) The unit of instruction meets a need that is not currently met by units of instruction which are offered by other institutions in the district.
- b) Approval of New Administrative Units of Research or Public Service.
 

An application for approval of each proposed new administrative unit of research or public service shall be submitted to the ICCB on forms provided by the ICCB. The criteria for approval of new administrative units of public service or research are:

  - 1) The proposed new administrative unit shall be authorized by the Board of Trustees.
  - 2) The objectives of the proposed new administrative unit are consistent with the mission of the college (see Section 1-2(e) of the Act).
  - 3) The proposed new administrative unit shall meet a district's need to deliver a public service or research program which cannot be met through the district's current structure as indicated by an organizational chart.
  - 4) The proposed new administrative unit shall administer at least one public service or research program.
  - 5) The needs assessment demonstrates that the demand for the public service or research program to be administered by the proposed new unit shall be continuous for at least three years.
  - 6) The district shall provide evidence that the resources for the facilities, equipment and materials, and staff necessary to provide a quality program or service shall be made available to the proposed new administrative unit.
- c) Withdrawal.
 

An approved unit of instruction, public service, or research may be withdrawn by the college when it decides to suspend operation of the unit. The withdrawal request shall be reported on

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forms supplied by the ICCB.

- d) Reasonable and Moderate Extensions.
  - 1) An approved unit of instruction, public service, or research may be modified by the college within the parameters listed in subsection (d)(2) through (4). The college shall notify the ICCB of such extensions on forms provided by the ICCB.
  - 2) Reasonable and moderate extensions of previously approved units of instruction include:
    - A) The addition, modification, or withdrawal of courses within an approved unit of instruction which does not alter the objectives of the unit of instruction;
    - B) A change in minimum credit hours for completion of an approved unit of instruction that does not affect the instructional level of the unit of instruction.
    - C) A change in title of an approved unit of instruction that does not indicate a different objective of the unit than that previously approved.
    - D) The creation of an option (major, concentration, or specialization) within an approved unit of instruction in which:
      - i) the option created is within the same general academic discipline or occupational field as the previously approved unit of instruction,
      - ii) the option created within a previously approved associate degree curriculum shares a common core of requirements--the same first-year sequence of courses with as the previously approved unit of instruction, and
      - iii) the option created does not substitute more than twelve--(12) fifteen (15) semester credit hours of other courses for courses previously approved as part of an associate degree curriculum or cluster of closely related curricula, e.g. from the same four-digit CIP code or substitute more than six--(6) nine (9) semester credit hours of other courses for courses previously approved as part of a certificate curriculum (or closely related cluster) of one-year 30 semester credit hours or more.
  - E) The creation of certificate curricula from previously approved associate degree curricula and certificate curricula, including closely related curricula; e.g., from the same four-digit CIP code, providing no new-courses more than six (6) semester credit hours are added substituted for certificates of up to thirty (30) semester credit hours or no more than six--(6) nine (9) credit hours are substituted in certificates of thirty (30) semester credit hours or more.
- 3) Reasonable and moderate extensions of previously approved units of research or public service include units with an annual

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- operating expenditure from whatever source of less than \$250,000 or an annual operating expenditure from state appropriations of less than \$50,000.
- 4) Reasonable and moderate extensions of previously approved units of administration include any administrative reorganization of a college.
  - e) Approval in a Multi-College District. Approval of new units of instruction, research, or public service in a multi-college district will be for a specific college. Transfer of a unit to, or duplication of a unit by, other colleges within the district constitutes a new unit requiring approval by the ICCB. However, up to nine (9) hours of a program approved at one college may be offered by any other college in the district at the option of the Board.
  - f) When a college no longer offers an approved unit of instruction to additional new students, that unit of instruction shall be reported to the ICCB and shall be removed from the college catalog and other documents advertising the program offerings to the public.
    - 1) An inactive unit of instruction shall be maintained on the ICCB Curriculum Inventory File with the date that it became inactive for a period of at least ten years. The effective date that a unit of instruction becomes inactive shall be determined by the college.
    - 2) A unit of instruction that has been inactive for less than three years may be reactivated by the college once it has:
      - A) Obtained approval to reactivate the program from its chief executive administrator.
      - B) Obtained approval to reactivate the program from agencies that license, certify, or accredit the program, if appropriate.
      - C) Submitted a notification to the ICCB.
    - 3) A unit of instruction that has been inactive for three to ten years may be reactivated by the Executive Director of the ICCB if the college has:
      - A) Obtained approval to reactivate the program from its chief executive administrator.
      - B) Obtained approval to reactivate the program from agencies that license, certify, or accredit the program, if appropriate.
      - C) Demonstrated through local surveys or state labor market data that the labor market demand and supply shows a need for graduates of the program.
      - D) Conducted a review of the program with representatives from business and industry including on-site visits and advice regarding current technologies and equipment.
      - E) Demonstrated, in accordance with subsections (a)(5) and (a)(6) of this Section and Section 1501.510, that the college has adequate facilities, equipment and financial resource to offer a quality program.



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F) Demonstrated, in accordance with Section 1501.303(f), that the college has available qualified faculty to provide the instruction for the program.

G) Submitted a request for the reactivation to the ICCB.

4) A unit of instruction that has been inactive for over ten years may be reactivated by following the new unit approval process described in subsection (a) of this Section.

g) Discontinuation of Programs. The ICCB may discontinue programs which fail to reflect the education needs of the area being served as follows:

1) Programs that do not meet standards of need, quality, and cost effectiveness may be discontinued by the ICCB. This determination shall be made based on review and collective findings of information available to the ICCB through ICCB and IBHE program review, evaluation, and productivity processes; the ICCB Management Information System; and other sources of pertinent information on the following criteria:

A) Program need, including educational priorities of the district, accessibility, credit hours generated, enrollments, completions, and labor market supply and demand.

B) Program quality, including job placement or education continuation, program content, academic control, faculty qualifications, and accreditation and credentialing.

C) Program costs, including adequacy of financial support and unit costs.

2) The ICCB will utilize special state-level analyses to identify programs that appear to be of questionable need, cost, or quality based on state data. Programs identified through state-level analysis will be referred to the colleges to enable them to evaluate the programs in detail in their normal process and to obtain the results and comments from the local level.

3) The ICCB will notify college districts of programs being considered for discontinuation and shall grant the district 60 days to respond to concerns regarding the program in question prior to action by the Board. This information shall be taken into account in determining if a program should be discontinued by the ICCB.

4) Once a program is discontinued by the ICCB and the appeal process is concluded, the college must inactivate the program by not enrolling any additional new students and develop a plan for an orderly discontinuation of the program for students currently enrolled. Programs discontinued by the ICCB may be reestablished by obtaining approval as a new unit of instruction under subsection (a) of this Section.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## Section 1501.303 Program Requirements

a) Comprehensive Program. The programs of each college shall be comprehensive and shall include: pre-baccalaureate, occupational, and general studies curricula, and public service programs.

b) Degrees and Certificates. A college shall award associate degrees and certificates in accordance with units of instruction approved by the ICCB. This authority is not extended to administrative units of the college.

c) Honorary Degrees. Honorary degrees awarded by a Board shall be limited to the associate degree.

d) Review and Evaluation of Programs.

1) Each college shall have and implement a systematic, college-wide program review and evaluation process for evaluating both instructional programs and student and supporting services on a five-year cycle. If the college's special circumstances indicate a longer cycle would be beneficial, the college may request an exception by submitting an explanation of the special circumstances and the college's plan for program review based on a longer cycle to the ICCB. The ICCB will grant the exception when a longer evaluation cycle had been established previous to FY 1984 or if the college has more than ten (10) programs to evaluate. A written response to the request for exception will be submitted to the college within thirty (30) days of receipt of the request.

2) The minimum review criteria for program review shall be program need, program cost, and program quality, as defined by each college.

3) Each college shall keep on file a copy of the process adopted and individual program review for ICCB Recognition purposes.

4) Each college shall submit to ICCB a list of programs to be reviewed in the following year and a summary report of the previous year's program review results by August 1 each year.

e) Academic Calendar. A college shall operate on an academic calendar which provides at least two academic terms consisting of at least 15 weeks (at least 75 days of instruction each), three academic terms consisting of at least 10 weeks (at least 50 days of instruction each) or a different combination of academic terms consisting of at least 30 weeks (at least 150 days of instruction).

1) The days of instruction prescribed in subsection (e) above shall include all days when there is a full schedule of classes and support services but will exclude holidays, Saturdays, Sundays, and days scheduled exclusively for registration, orientation, college-wide placement or assessment testing, faculty workshops, and final examinations.

2) Colleges may include terms during the summer or any other time during the year, in addition to the ones identified in subsection (e).

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- 3) Courses/classes may be scheduled between academic terms, spanning academic terms, for a shorter time frame than the academic term, or for a longer time frame than the academic term, if the schedule provides sufficient duration and contact hours to meet the requirements in Sections 1501.309(b) and 1501.507(b)(10).
- 4) If an emergency such as a fire, flood, or strike makes it necessary for the college to shorten one of its academic terms, the college may request the ICCB Executive Director to approve a shorter term. In such cases, the length of the term may be shortened, but only to the extent that enables all courses to meet the contact hours specified in Section 1501.309(b).
- 5) If a college entered into a contract with its faculty regarding the length of the academic calendar in compliance with subsection (e) prior to the effective date of this revision, it may continue to operate under the provisions of that contract until that contract is renegotiated or expires.
- f) Preparation of Professional Staff. Professional staff shall be educated and prepared in accordance with generally accepted standards and practices for teaching, supervising, counseling and administering the curriculum or supporting system to which they are assigned. Such preparation may include collegiate study and professional experience. Graduate work through the master's degree in the assigned field or area of responsibility is expected, except in such areas in which the work experience and related training is the principal learning medium.
- g) Library. Each college shall maintain a library or learning resource center with a collection of reference works and other learning resources to meet the specific needs of its curricula and students. This collection shall be kept up to date through a planned program of acquisition and deletion.
- h) Supplies and Equipment. Classrooms, laboratories, and shops shall be provided with equipment and supplies which are adequate for effective teaching and learning.
- i) General Education. Organized curricula leading to an associate degree shall include general education courses designed to contribute to the liberal education of each student.
- j) Apprenticeships. A college which participates in apprenticeships coordinated by the Bureau of Apprenticeship Training, U. S. Department of Labor and/or other programs related to business, industrial, or trade groups or organizations shall meet applicable federal, state, and local governmental rules, regulations, and guidelines.
- k) Examination of Patriotism, Principles of Representative Government, Proper Use and Display of the American Flag, and Method of Voting. The examination on American patriotism, principles of representative government, proper use and display of the American flag, and the Australian ballot voting system may be satisfied in one of the following ways:
- 1) The student may pass an appropriate examination at the college;
  - 2) The student may complete, with a passing grade, a specified

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- course that includes all subject matter identified above; or
- 3) The college may accept as evidence that the student has previously met the examination requirement a diploma earned from an Illinois high school or an ~~in-high-school-in-Illinois~~ as-long-as-the-meeting-of-the-requirement-is-clearly-identified-on-the-high-school-transcript-or-the-Illinois-High-School-High-School-Equivalency-Test-Program equivalency certificate for the successful completion of the Test of General Education Development (GED). Such evidence authorizes the college to make a an appropriate similar notation on the student's transcript.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1501.304 Statewide and Regional Planning

- a) Program planning is based on an assessment of program needs within districts, planning regions, and the state as a whole. the--following planning Regions are established-for-the-purpose-of-facilitating-the planning-of-instructional-and-public-service-programs may comprise a community college district and one or more adjacent districts; e.g., some or all surrounding districts or the regional university/community college consortium.

- Region-I: Districts--504--(Writon)--508--(Chicago)--510  
(Shotton)--512--(Hampet)--515--(Pettie--State)--  
514--(Moraine--Valley)--517--(Morton)--519--  
(Oakton)
- Region-II: Districts--502--(DuPage)--509--(Elgin)--516  
(Waukegan)--520--(Kankakee)--525--(Joliet)--528  
(McHenry)--532--(Lake-County)
- Region-III: Districts--506--(Oak-Valley)--511--(Rock-Valley)--  
519--(Highland)--523--(Kishwaukee)
- Region-IV: Districts--503--(Black-Hawk)--513--(Illinois  
Valley)--514--(Illinois--Central)--519--(Carl  
Sandburg)--534--(Spoon-River)
- Region-V: Districts--526--(Lincoln-Band)--539--(John-Wood)
- Region-VI: Districts--505--(Parkland)--507--(Bennett)--517  
(Lake-Band)--537--(Richland)
- Region-VII: Districts--522--(Belleville)--536--(Lewis--&  
Clark)--601--(State-Community-College)
- Region-VIII: Districts--501--(Kaskaskia)--521--(Rand-Baker)--529  
(Illinois--Eastern)--530--(John-Ar-Bogan)--531  
(Shawnee)--533--(Southeastern)
- b) Admission of Students to College Curricula. A college which offers approved regional curricula shall admit qualified students from throughout the Region on the same priority basis as in-district students.



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- c) Admission of Students to Statewide Curricula. A college which offers approved statewide curricula shall admit qualified students from throughout the state on the same priority basis as in-district students.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1501.308 Reporting Requirements**

Each college shall submit the items listed below in a format prescribed by the ICCB and according to the schedules indicated.

- a) Annual salary data and ~~Basic~~ basic characteristics, including but not limited to sex, date of birth, ethnic classification, highest degree earned, tenure status, and employment or teaching areas, of the faculty and staff employed by the college as of October 1 shall be submitted on or before November ~~December~~ 15 of each year.

- b) ~~Annual--salary--data--for--its--faculty--and--staff--by--October--15--of--each--year--~~

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1501.309 Course Classification and Applicability**

- a) Course Classification. Information on courses for which credit is to be awarded shall be submitted to ICCB on forms provided by ICCB in order for the courses to be classified into appropriate instructional and funding categories and added to the college's Management Information System (MIS) Course Master File.

- b) Course Credit Hour Determination.

- 1) Credit hours for courses for which ICCB credit hour grants are to be claimed shall be determined on the basis of an expected forty-five (45) hours of combined classroom/laboratory and study time for each semester hour or thirty (30) hours of such time for each quarter credit hour.

- 2) Courses with students participating in lecture/discussion oriented instruction will be assigned one semester credit hour or equivalent for each fifteen (15) classroom contact hours of instruction per semester or equivalent. It is assumed that two (2) hours of outside study will be invested for each classroom contact hour.

- 3) Courses in which students participate in laboratory/clinical-laboratory oriented instruction will be assigned one (1) semester credit hour or equivalent for each 30-45 classroom contact hours of instruction per semester or equivalent. It is assumed that one (1) hour of outside study will be invested for each two (2) laboratory contact hours.

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- 4) Students who participate in nonclinical internship, practicum, or on-the-job supervised instruction shall receive one (1) semester credit hour or equivalent for each 75-149 contact hours per semester or equivalent and students who participate in clinical practicums shall receive one semester hour credit or equivalent for each 45 30-60 contact hours per semester or equivalent. It is assumed that one (1) hour of outside study time will be invested from each two (2) clinical practicum contact hours.

- c) Course Syllabus. A syllabus shall be developed and maintained for each credit course and shall be available to the public and students upon request. A syllabus contains the description of the course, specific objectives of the course, a topical outline, and the method for evaluating student performance.

- d) Course Applicability. All credit courses must be part of an approved unit of instruction (pursuant to Section 1501.302), and the approved unit of instruction for each course shall be indicated on the college's ICCB MIS Course Master File.

- 1) Lower-Division Baccalaureate Courses. Courses designed to meet lower-division baccalaureate degree requirements shall be applicable to associate transfer degrees. For each baccalaureate course offered, the college shall maintain current written articulation agreements or transfer equivalency documents with:

- A) at least three (3) Illinois public universities, or  
B) at least three baccalaureate degree-granting institutions to which a majority (51%) of the college's students transfer, or

- C) one or more baccalaureate degree-granting institutions to which a majority (51%) of the college's students majoring in the field for which the course is required transfer.

- 2) Remedial Course Credit. No remedial course credit shall be applicable to associate degrees designed for transfer to institutions granting baccalaureate degrees.

- 3) Adult Basic Education Course Credit. No adult basic education course credit is applicable to degrees or to certificates, except the Adult Basic Education Certificate.

- 4) Adult Secondary Education Course Credit. No adult secondary or college preparatory education course credit is applicable to degrees or certificates, except the Adult Secondary Education Certificate.

- 5) General Studies Course Credit. General studies course credit is applicable only to the Personal Development; Homemaking; Improving Family Circumstances; Intellectual and Cultural Studies; Community and Civic Development; and Health, Safety and Environment Certificates.

- e) Special Upper-Division Courses.

- 1) A college may offer any course that is offered by a university, regardless of numbering system, if the university normally permits its own students to take the course as lower-division

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students. Such courses will be eligible for ICCB grants, if they meet all other criteria.

- 2) If at least three (3) public universities in Illinois agree, or if a public university which is the principal recipient of transfers from the community college agrees, certain special courses taught at the upper-division level may be offered by a college and be eligible for ICCB grants, provided they meet all other criteria.

f) Independent Study. Independent Study course credit shall not exceed 25% of the credit hour requirements for a student to earn an associate degree. The topic of an independent study course shall be listed on the student's permanent academic record.

- g) Internships. An internship experience for credit that is designed to provide the student an opportunity to put into practice the theories and techniques learned in the classroom/laboratory shall be applicable to an associate degree or certificate, provided at least twelve (12) semester credit hours or equivalent in the corresponding curriculum are completed by the student prior to, or are taken by the student concurrently with, such experience.

h) Courses Approved as Repeatable.

- 1) Courses in which the content varies from term to term or from student to student (e.g., independent study, special topics, and internship courses) or in which a student is expected to gain increased depth of knowledge and skill through repetition (e.g., music, speech, theatre, and journalism performance or production courses) shall, at the request of the college, be approved for repeatability under the following conditions:

A) The number of times the course may be taken for credit does not exceed four semesters (or six quarters);

B) The method of determining the amount of credit to be awarded for each section of the course, for each term, or for each student is specified in the college's catalog, on the course syllabus, and on the course classification form, and the subject matter and number of credits for which the student enrolled is specified on the student's permanent academic record;

C) The college's catalog, the course syllabus, and the course classification form requesting approval of repeatability by the ICCB indicate the number of such credits that will apply to degree or certificate completion for a single course or a combination of related courses; and

D) The total number of credit hours for a single course or for a combination of related courses that are applicable to degree or certificate completion does not exceed the maximums established in subsection (e) governing independent study, subsection (b) governing credit hour determination, or Section 1501.507(b)(10) governing the maximum rate of credit hour production.

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- 2) A vocational skill course that persons employed in an occupation or vocation must retake periodically by law in order to maintain employment shall, at the request of the college, be approved for repeatability under the following conditions:

A) The content of the course is determined by law and does not change from one year to the next, and

B) A copy of the law (or regulation administering it) and a course syllabus accompany the course classification form requesting repeatability.

- 3) An adult basic, adult secondary, or a remedial education course that is organized into discrete modules and offered for variable credit shall, at the request of the college, be approved for repeatability under the following conditions:

A) No discrete module is repeated,

B) The title of each module completed and the grade received is permanently recorded on the student's permanent academic record, and

C) The content and number of credit hours for each discrete module is shown on the course syllabus and on the course classification form requesting approval of repeatability by the ICCB.

- 4) An adult basic, adult secondary or a remedial education course that is not organized into discrete modules shall, at the request of the college, be approved for repeatability under the following conditions:

A) The number of times the course may be taken for credit does not exceed four times, i.e., repeatable three times.

B) The variety of skill levels included in the course and the methods used to accommodate individual differences based on an assessment of student skills is specified in the course syllabus.

C) The course title and the grade received is permanently recorded on the student's academic record each time that the course is taken.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1501.508 Special Populations Grants

a) Special populations grant funds shall be allocated annually to each Illinois public community college district in accordance with Section 2-16 of the Act.

b) Special populations grant funds shall be accounted for in a restricted purposes fund.

c) The following are allowable expenditures for special populations grant funds:

- 1) Personnel. Salaries and benefits for courses and services



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provided only to special populations students.

- A) Tutors, both student and professional.
- B) Counselors and paraprofessional counselors who spend a minimum of fifty (50) percent of their time working with special populations students.
- C) Adult basic/secondary and remedial education instructors, not to exceed thirty (30) percent of the total special populations grant per district.
- D) Direct support service personnel for assistance to students with disabilities, e.g., readers, notetakers, and drivers.
- E) Professional and paraprofessional staff who provide outreach services and special retention programs designed for special populations students.
- 2) Testing and Assessment Materials. Testing and assessment materials used to identify special populations students.
- 3) Instructional Materials. Books, media packages such as computer software, and testing and evaluation materials provided only to special populations student.
- 4) Instructional Equipment. Lease or purchase of, e.g., tape recorders, small computers, and readers provided only to special populations students.
- 5) Travel related only to special populations student activities for both college personnel and students.
  - A) Special populations student activities such as field trips and student transportation.
  - B) Conference expenses related directly to special populations grant activities.
- 6) Staff development expenditures for special populations grant personnel and outside consultants.
- 7) The following special populations grant administrative expenditures related only to special populations grants. The total administrative expenditures may not exceed thirty (30) percent of the total special populations grant per district.
  - A) Administrative salaries.
  - B) Office staff salaries.
  - C) Office equipment.
  - D) Utilities.
  - E) Rental of facilities.

d) Reports of services, ~~courses, and expenditures~~ supported by the special populations grant shall be filed with the ICCB by September 1 of each year of forms provided by the ICCB.

e) An initial grant in the amount designated in Section 2-16 of the Act shall be allocated for expenditure by each community college within a multi-campus district. Remaining funds within a multi-college district may be allocated according to district policies.

f) Special populations grant funds shall be expended or obligated prior to June 30 each year. Goods for which the funds have been obligated shall be received and paid for prior to September 30 following the end

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of the fiscal year for which the funds were appropriated. Funds for services, including salaries and benefits, may not be obligated for services rendered after June 30. Unexpended funds totaling \$100 or more shall be returned to the ICCB by October 15 following the end of the fiscal year. Unexpended funds totaling less than \$100 need not be returned to the ICCB provided the funds are spent in the next fiscal year and for the restricted grant purpose.

- g) Special populations grant funds not used in accordance with this Section regardless of the amount shall be returned to the ICCB within six months after receipt of the external audit report by the ICCB or other identification of improper expenditures subsequently verified by the ICCB.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1501.510 Reporting Requirements

Each college shall submit the items listed below in a format prescribed by the ICCB and according to the schedules indicated.

- a) Resource allocation and management plan (RAMP) data by August 1 of each year.
- b) Unit cost data for the previous fiscal year by September 15 following the end of that fiscal year.
- c) A survey of local budget and tax extensions and collections by October 1 of each year.
- d) An Audit/Unit Cost Reconciliation Statement by November 1 of each year.
- e) Certificate of Tax Levy by January 31 of each year.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## OFFICE OF THE LIEUTENANT GOVERNOR

## NOTICE OF PROPOSED RULES

1) Heading of the Part: Illinois AmeriCorps Program2) Code Citation: 47 Ill. Adm. Code 6103) Section Numbers:

610.10	New Section	<u>Proposed Action:</u>
610.20	New Section	
610.30	New Section	
610.40	New Section	
610.50	New Section	
610.60	New Section	
610.70	New Section	
610.80	New Section	
610.90	New Section	

4) Statutory Authority: Implementing the National and Community Service Trust Act of 1993 (42 U.S.C. 12501 et seq.) and the federal rules promulgated thereunder applicable to the AmeriCorps Program (45 CFR 2506, 2510, 2520, 2521, 2522, and 2540).5) A Complete Description of the Subjects and Issues Involved:

In 1993 Congress passed the National and Community Service Trust Act of 1993 which, in addition to other programs, created a national service program entitled AmeriCorps. AmeriCorps is a federal program to be implemented by the states. In the State of Illinois, the program will be implemented and administered by the Office of the Lieutenant Governor. These proposed rules are designed to allow the Office of the Lieutenant Governor to carry out this responsibility.

6) Will this proposed rule replace an emergency rule currently in effect?  
No.

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule contain incorporations by reference?  
Yes. See Section 610.30.9) Are there any other proposed amendments pending on this Part?  
No.10) Statement of Statewide Policy Objectives:

This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (30 ILCS 805/3).

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:  
Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice.

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Comments should be submitted to:

Allyson Zedler  
Office of the Lieutenant Governor  
James R. Thompson Center  
Suite 15-200  
Chicago, Illinois 60601  
(312) 814-5220

12) Initial Regulatory Flexibility Analysis:A) Types of small businesses, small municipalities and not for profit corporations affected:

This rulemaking will not affect small businesses. Small municipalities and not for profit corporations are eligible to participate in the AmeriCorps program, but are not mandated to participate.

B) Reporting, bookkeeping or other procedures required for compliance:

Small municipalities and not for profit corporations interested in participating in the AmeriCorps program must apply using an approved form. In addition to complying with all federal requirements, approved programs must submit quarterly reports and a final report for each funding cycle. The Office of the Lieutenant Governor may request information needed to enable the Office to file its reports to the federal government. The Office may also make site visits during the funding cycle and will make a close-out site visit at the end of the funding cycle.

C) Types of professional skills necessary for compliance:

Bookkeeping and the ability to complete required forms and reports.

The full text of the Proposed Rule(s) begins on the next page:



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TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT  
CHAPTER IV: OFFICE OF THE LIEUTENANT GOVERNORPART 610  
ILLINOIS AMERICORPS PROGRAM

## Section

## 610.10 Purpose and Summary

## 610.20 Definitions

## 610.30 Incorporation by Reference

## 610.40 State Implementation and Administration

## 610.50 Program Application Procedures

## 610.60 Applicant Selection Procedures

## 610.70 Member Recruitment and Selection

## 610.80 Monitoring of Programs

## 610.90 Invalidity

**AUTHORITY:** Implementing the National and Community Service Trust Act of 1993 (42 U.S.C. 12501 et seq.) and the federal rules promulgated thereunder applicable to the AmeriCorps program (45 CFR 2506, 2510, 2520, 2521, 2522, and 2540).

**SOURCE:** Adopted at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 610.10 Purpose and Summary**

The purpose of these rules is to provide for the implementation and administration of AmeriCorps, a national service program created by the National and Community Service Trust Act of 1993, within the State of Illinois by the Lieutenant Governor and the Lieutenant Governor's Office of Voluntary Action. AmeriCorps is a federal program implemented by the states designed to address the nation's educational, public safety, human, and environmental needs by providing an opportunity for people to serve their communities in qualified programs and in return receive an educational award that can be used to repay student loans or for future education.

**Section 610.20 Definitions**

All words shall be defined according to definitions in the National and Community Service Trust Act of 1993 and the rules promulgated thereunder unless defined herein to the contrary.

"Act" means the National and Community Service Trust Act of 1993.

"Advisory Council" means the Lieutenant Governor's Advisory Council on Voluntary Action, and after January 9, 1995, the Lieutenant Governor's Commission on Community Service.

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"Applicant" means an organization or entity, public or private, that is eligible to apply for national service funds under the Act.

"Competitive category" means that category of educational award funds for which the State of Illinois is eligible to compete against other states for educational awards in addition to those allocated by the Corporation in the formula-funded category.

"Corporation" means the Corporation for National and Community Service, created by the Act.

"Formula-funded category" means that category of educational award funds allocated by the Corporation to the State of Illinois based on a population formula as provided by the Act.

"Member" means an individual who has been selected to serve in an approved AmeriCorps program.

"Partnership" means a joint arrangement among a group of organizations eligible to apply for national service funds under the Act.

"Program" means a planned and coordinated groups of activities, procedures, etc. linked by common elements such as recruitment and selection of members, training for members and staff, regular group of activities, and assignment to projects: organized for the purpose of achieving the mission and goals of national service, and carried out with the assistance provided under the Act.

"Project" means an activity, carried out through a program that receives assistance under the Act, that results in a specific identifiable service or improvement that otherwise would not be done with existing funds, and that does not duplicate the routine services or functions of the employer to whom members are assigned.

**Section 610.30 Incorporation by Reference**

The following statutes and rules, not including any subsequent amendments or additions, shall be incorporated by reference herein and shall be available for inspection at or copies may be requested in writing from the Office of the Lieutenant Governor, Attn: Allyson Zedler, James R. Thompson Center, Suite 15-200, Chicago, Illinois 60601:

- a) The National and Community Service Trust Act of 1993 (42 U.S.C. 12501 et seq.).
- b) The federal rules promulgated under the Act which apply to the AmeriCorps program found at 45 CFR 2506, 2510, 2520, 2521, 2522, and 2540.

**Section 610.40 State Implementation and Administration**

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- a) The Advisory Council shall serve as the state commission responsible for the implementation and administration of the program in the State of Illinois, pursuant to the requirements of the Act.
- b) P.A. 88-597, effective January 9, 1995, renames the Lieutenant Governor's Office of Voluntary Action and the Lieutenant Governor's Advisory Council on Voluntary Action as the Lieutenant Governor's Commission on Community Service and makes certain changes in the structure of the Commission. All references in these rules to the "Lieutenant Governor's Office of Voluntary Action" and the "Lieutenant Governor's Advisory Council on Voluntary Action" shall be construed after January 9, 1995, to reference the Lieutenant Governor's Commission on Community Service.
- c) The Advisory Council's responsibility shall include the following:
  - 1) conduct a competitive process to select Illinois AmeriCorps programs to submit to the Corporation for approval;
  - 2) assist in the recruitment of qualified persons to serve in programs approved for funding by the Corporation; and
  - 3) monitor programs to insure quality.

**Section 610.50 Program Application Procedures**

- a) Non-profit organizations, consortia of non-profit organizations, state agencies, higher education institutions, units of local government, and AmeriCorps programs are eligible to apply to the Advisory Council for national service funds under the Act.
- b) Eligible applicants may apply for one or more of the following grants:
  - 1) Planning grant - The purpose of a planning grant is to bring a program to the verge of implementation so that it may compete successfully for operating assistance in the following grant cycle.
  - 2) Operating grant - The purpose of an operating grant is to support an organization that is ready to implement a fully developed plan for a new or expanded national service program.
  - 3) Educational award only - The purpose of this award is to provide national service educational awards to programs that do not apply for operating grants but meet the AmeriCorps program requirements and are judged to be high quality according to the criteria in this Part.
- c) All applicants shall use application forms prepared and approved by the Advisory Council. The Lieutenant Governor's Office of Voluntary Action shall provide any interested parties upon request with application forms and descriptive information regarding the AmeriCorps program. Application requests shall be directed to the Office of the Lieutenant Governor, Attn: Allyson Zedler, James R. Thompson Center, Suite 15-200, Chicago, Illinois 60601.
- d) In addition to the use of approved forms, each application shall be submitted according to the format specified herein. Applications shall be typed or printed in a font type not smaller than twelve (12) points. Except for the approved forms, all other documents included in

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- the application shall be double-sided (each side counting as one page) and double-spaced. Applicants seeking support for an operating grant or an educational award only shall submit a single-program application package, and an applicant seeking support for a planning grant shall submit a planning grant application package. Each application package shall be organized and completed according to the applicable outline in either subsection (e) or (f) of this Section. Applicants seeking renewal of funding for an existing AmeriCorps program shall provide information in the application package that relates to the program's experience while receiving funding under the Act in addition to the information required of all applicants for the upcoming funding cycle.
- e) A single-program application package shall consist of the following and shall be organized in the following order:
    - 1) Completed title page form.
    - 2) Table of contents page, not to exceed one (1) page in length, and providing the page numbers of each item requested in the application package.
    - 3) Application summary page, not to exceed one (1) page in length, and providing an overview of the following:
      - A) Specific needs to be met, particularly as they relate to the national priorities of education, public safety, human, and environmental needs as established by the Act.
      - B) Key elements of the program design.
      - C) Recruitment goals, including the percentage of members to be drawn from the national recruitment system, if any.
      - D) A description of the administering organization and identification of the primary program partners, if any.
    - 4) Completed program mission and objectives form.
    - 5) Program narrative, not to exceed twenty (20) pages in length, and organized and labeled in the stipulated categories and providing the following information in a narrative form with as much specificity as possible:
      - A) Need(s) To Be Met and Appropriateness For National Service.
        - i) Needs. Identification of specific needs that the program will address and how these needs relate to the national priorities and how and why these needs are appropriately or uniquely addressed by a national service program. If the needs do not relate to a state or national priority area, an explanation why these needs were selected shall be provided.
        - ii) Process. Description of the process by which the needs were identified, including specifying who was involved in identifying the needs and the extent of involvement of the residents of the community in which the service will be provided in the needs assessment activities.
  - B) Program Design.
    - i) Program Concept. Description of the basic concept for the design of the program, including the nature of the specific service activities to be performed by the



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members; the structure of the program; and its location. Description of any institutional or programmatic collaborations or partnerships that will be involved in operating the program, including the extent to which the program builds on existing infrastructure.

ii) Service Activities. Description of the activities in which members will engage and how these projects or activities will result in direct, measurable service that addresses the identified needs. Description of a typical week in the life of program members with concrete examples of the types of activities or duties members will perform.

iii) Relation To Need. Description of how the service activities respond to the identified needs and meet the program objectives.

iv) Member Training and Support. Description of how the members will be trained, supported, or otherwise prepared for their assignments or placements. Description of the key elements of the member training, in-service education, or service-learning curriculum employed to improve member's skills, prepare them for placement, and foster positive civic values.

v) Member Placement and Supervision. Description of how members will be placed (i.e., in teams or individually) and matched with an assignment. Description of how service sponsors or host-sites will be oriented and prepared for placement and how members will be supervised within the program.

## C) Member Profile, Recruitment Strategy, and Benefits.

i) Number and Characteristics of Members. Identification of the expected number of members, including the total number and type (full-time or part-time), and characteristics, attributes or skills of members, including racial or ethnic background, socioeconomic status, gender, and educational attainment, to be recruited in the program. For programs recruiting fewer than twenty (20) members, an explanation why this smaller number is appropriate to the purpose and design of the program.

ii) Member Recruitment. Description of the methods that will be used or strategies undertaken to recruit members and the methods and strategies to achieve the program's recruitment goals.

iii) Member Selection. Description of the strategies to be used to select members. Description of selection criteria, including minimum qualifications for members or requirements to possess any specialized skills to

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carry out service assignments. Determination as to whether any members will be drawn from the national recruitment system.

iv) Member Benefits. Description of the benefits members will receive, including the amount of the living allowance provided to each member. Explanation of how national service educational awards will be apportioned among program members, and if not provided to all members or to all members equally, an explanation of the program's rationale. Description of any alternative post-service benefits that might be used.

## D) Internal Evaluation and Monitoring Activities.

i) Internal Evaluation and Monitoring. Explanation of how the program will monitor its progress toward the program objectives and how it will assess, on an ongoing basis, the quality of services and the satisfaction of both the members and the individuals or institutions served. Description of how the program will collect the required descriptive and demographic data.

ii) Previous Evaluation. If an applicant is proposing to replicate an existing program in other areas or is requesting a renewal for funding of an existing program, a statement as to whether the program proposed for replication, expansion, or renewal has been evaluated. If so, identification of who performed the evaluation and description of the results of the evaluation regarding community and participant impact. If the program has not been evaluated, a description of any evidence of successful performance or of a track record that will demonstrate its appropriateness for replication, expansion, or renewal.

## E) Institutional and Personnel Information.

i) Principal Staff. Description of the background, experience, and major accomplishments of the program director and principal staff and how their qualifications relate to their duties and responsibilities for the proposed programs. If individuals have not yet been hired for these positions, a description of the qualifications candidates must fulfill.

ii) Training. Description of the kind of orientation and training, if any, the program will provide for staff.

iii) Institutional Strengths. Description of the administering organization's past experience and institutional capacity to operate or coordinate a program comparable to the program(s) proposed, including a description of the institutional resources

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or expertize the administering organization(s) will provide that will contribute to the overall success of the program.

- 6) Completed budget form page and a budget narrative.
  - 7) Completed assurances signature form.
  - 8) Completed certification signature form.
- f) A planning grant application package shall consist of the following and shall be organized in the following order:
- 1) Completed title page form.
  - 2) Table of contents page, not to exceed one (1) page in length and providing the page numbers of each item requested in the application package.
  - 3) Application summary page, not to exceed one (1) page in length, and providing an overview of the following:
    - A) Specific needs to be met, particularly as they relate to the national priorities of education, public safety, human, and environmental needs as established by the Act.
    - B) The mission and objectives for the planning process.
    - C) An overview of how the program will address the identified needs.
    - D) A description of the administering organization and identification of its leadership and primary program partners, if any.
  - 4) Program narrative, not to exceed twenty (20) pages in length, and organized and labeled in the stipulated categories and providing the following information in a narrative form with as much specificity as possible:
    - A) Needs To Be Targeted.
      - i) Need(s). Identification and specific description of the need(s) from the national priorities which the program seeks to address.
      - ii) Process. Description of the process by which the needs were identified, including specifying who was involved in identifying the needs.
      - iii) Community Resources. Description of how the proposed program will build on or collaborate with other programs in the community, including federal programs that address these needs.
    - B) Planning Activities.
      - i) Program Concept. Description of the basic concept that has been developed for meeting the identified need(s), and identification of the specific objectives for the planning phase.
      - ii) Planning Process. Description of the anticipated planning process, the tasks to be carried out, and the timeline of the process.
      - iii) Community Involvement. Description of persons or entities, such as prospective members, representatives of the community served, community-based agencies with

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a demonstrated record of experience in providing services, businesses, and labor organizations, to be involved in the planning process and how they as a group reflect the community to be served. Identification of the individuals or organizations, if any, responsible for particular tasks.

- C) Institutional and Personnel Information.
  - i) Institutional Strengths. Description of the qualifications of the administering organization and its past experience and track record in designing new programs.
  - ii) Principal Staff. Description of the background, experience, and major accomplishments of the program director in designing new programs. If a program director has not yet been hired, a description of the qualifications a candidate must fulfill.
- 5) Completed budget form page and a budget narrative.
- 6) Completed assurances signature form.
- 7) Completed certification signature form.

## Section 610.60 Applicant Selection Procedures

- a) The Advisory Council shall have the responsibility of reviewing the Illinois AmeriCorps program proposals in both the formula-funded and competitive categories and selecting the proposals for submission for federal funding to the Corporation. As part of this review process, the Advisory Council shall have the authority to consult with persons with specialized knowledge in the subject matter of any of the priorities established by the Act for national service. The decisions of the Advisory Council shall be final and binding. Applicants shall be notified by mail of the decision of the Advisory Council. Programs whose proposals have been selected for submission for federal funding to the Corporation shall be notified by the Lieutenant Governor of the decision of the Corporation relating to their proposals.
- b) The Advisory Council shall first determine whether the applicant's proposal meets the following three (3) program requirements of community impact, strengthening communities, and improving citizenship and skills of members:
  - 1) The proposal shall meet educational, public safety, human, or environmental needs in the community served and provide a direct and demonstrable benefit that is valued by the community.
  - A) Service that provides a direct benefit includes physical projects such as renovating low-income housing or creating a playground in a vacant lot, and human service projects such as tutoring, mentoring, or conflict resolution. Eligible activities also include supervising participants or volunteers whose service provides a direct benefit to the community. In all cases, service activities shall result in a specific identifiable service or improvement that



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otherwise would not be provided with existing funds or volunteers and that does not duplicate the routine functions of workers or displace paid employees. Activities that do not provide a direct benefit to the community, such as clerical work or research, may be performed if they are in support of a direct service. However, such activities may not be the primary activity of a service program. For example, a team whose project involves providing meals, transportation, and health services to the homebound may need to conduct a door-to-door survey of community residents to help locate those in need of services. If they then go on to provide those services, this kind of research would be an appropriate activity for the team.

B) To determine whether the community values or will value the service proposed, the Advisory Council shall consider the nature, sustainability, and quality of the proposed service and how it meets community needs as identified by needs assessment activities.

2) The program shall strengthen communities, bring together both institutions and individuals to cooperate in bringing about lasting and constructive change.

A) Programs must perform projects that are designed, implemented, and evaluated with extensive and broad-based local input, including consultation with representatives from the community served, members (or potential members) in the program, community-based agencies with a demonstrated record of experience in providing services, foundations, businesses, and local labor organizations representing employees of service sponsors if these entities exist in the area observed by the program.

B) Applicants shall agree to seek actively to include members from the communities in which projects are conducted, as well as individuals of different races and ethnicities, socioeconomic backgrounds, both men and women, and individuals with disabilities. Programs that lack diversity in some manner must strive for diversity in other ways. For example, programs that do not achieve diversity among members in all areas may seek it by involving a diverse group of additional volunteers in other service alongside members. The Council recognizes that certain programs require the recruitment of members who share a specific characteristic or background, such as a professional corps that requires members to possess specific post-secondary training which might inadvertently cause a lack of diversity. Such programs must still not violate non-discrimination provisions of the Act and the rules promulgated thereunder or this Part relating to member selection.

3) Programs shall improve the citizenship and the skills of members.

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A) Programs shall help members develop, through their service experiences, the ethic and skills needed for productive, active citizenship which includes developing their skills in solving community problems and cultivating a lifelong ethic of productive, active citizenship. Programs shall ensure, in a non-partisan manner, that each member who is eligible to vote registers to vote.

B) Programs shall be designed to have particular impacts on members related to the mission of the program. For example, members may improve particular skills, learn the importance of using specialized skills to address pressing needs, or develop leadership and managerial skills.

C) Programs shall provide members with the training, skills, and knowledge necessary to perform the tasks required in their respective projects. Programs shall provide members with background information on the community to help them understand why the service project is needed. Programs may also provide, if appropriate specific training and education designed to help members explore career possibilities in areas such as child development, teaching, public health, or public safety.

D) Programs shall provide support services to members at the end of their term of service to make the transition to other educational or career opportunities and to assist members who are school dropouts to earn the equivalent of a high school diploma.

c) Programs applying for operating grants including educational awards or for educational awards only and have been found by the Advisory Council to meet the three (3) program requirements as provided above will be competitively evaluated by the Advisory Council based on the following criteria.

1) The Advisory Council shall take into consideration the extent to which both the program overall and its particular projects will address needs important to the community and be conducted in areas of need as defined in the Act. This portion of the evaluation shall compose ten (10) per cent of the total.

2) The Advisory Council shall consider the quality of the program based on the program design and organizational capacity.

A) Consideration of the program design shall comprise forty (40) per cent of the evaluation and is based upon the following criteria:

i) The potential impact of using proposed national service members to meet the community needs being addressed.

ii) Inclusion of a clear and compelling mission statement.

iii) Identification of specific objectives and indicators of success.

iv) Development of an effective recruitment, selection, and training plan for staff and members, including

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recruitment of members and staff from the community to be served.

- v) Ability to provide appropriate supervision, counseling, service-learning and other education opportunities, and outplacement to members.
  - vi) The involvement of members and community residents in the design, operation, and leadership of the program.
  - vii) Development of a sound plan for continually improving the program based on self-assessment and monitoring of community and member satisfaction with work performed.
  - viii) Inclusion of an appropriate organization and staffing plan.
  - ix) The program's cost-effectiveness in achieving identified outcomes, including per member cost.
- B) Consideration of organizational capacity shall comprise thirty (30) per cent of the evaluation and is based upon the following criteria.
- i) The quality of the leadership of the program.
  - ii) The past performance of the organization or program.
  - iii) The organization's connection to the community.
  - iv) The extent to which the program builds on existing programs.
  - v) Evidence of strong and broad-based community support for the program.
  - vi) Availability of additional funding sources for the program.
- C) In addition to the above, an application proposing the replication of an existing program shall be evaluated on the following criteria.
- i) The success of the program in its original site, including the results of any evaluation undertaken.
  - ii) The program's analysis of the strengths and weaknesses of the original program.
  - iii) Reasons for selecting the replication site and discussion of the adjustments needed for adaption to a new site.
  - iv) The qualification of the leaders of the program at the new site.
- 3) The Advisory Council shall consider the ability of the program to sustain itself beyond the period of Corporation support. This portion shall comprise ten (10) per cent of the evaluation and is based upon the following criteria.
- A) Evidence of strong and broad-based community support.
  - B) Presence of multiple or private funding sources.
  - C) Cost-effectiveness.
  - D) Additional consideration will be given to programs that significantly exceed the local match with non-federal funds and to federal agencies that are providing a substantial match to Corporation funds.

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- 4) The Advisory Council shall consider the degree to which needs coincide to program design, the innovative aspects of the program, and the appropriateness of replicating the program in the future. This portion shall comprise ten (10) per cent of the evaluation.

5) In addition to the criteria on which individual applications will be rated, the Advisory Council shall give priority consideration to the following issues.

- A) The Advisory Council seeks a broadly diverse member pool that includes the following:
  - i) A large representation of young adults.
  - ii) A proportionate ratio of individuals who have not attended college and those with college-education experience.
  - iii) Approximately equal numbers of men and women.
  - iv) Individuals of all races and ethnicities.
  - v) Individuals with physical and cognitive disabilities.
- B) The Advisory Council anticipates funding a range of program types that will yield the desired member pool.
- C) The Advisory Council shall ensure that the programs funded are geographically diverse and include projects in both urban and rural areas.
- D) The Advisory Council may fund programs that will enable it to test the effect of concentrating a critical mass of members in a small geographic area such as a rural community, small city, or part of a larger city.
- E) The Advisory Council shall give special consideration to programs able to start-up quickly as a result of having completed a planning phase, programs having start dates in late August or September or January, and programs able to leverage funds at a level beyond that required by the Act.
- 6) The program shall be in conformance with all requirements of the Act and the rules promulgated thereunder.
- d) Programs applying for planning grants that have been found by the Advisory Council to meet the three (3) program requirements as provided in subsection (a) of this Section shall be competitively evaluated by the Advisory Council based on the following criteria.
  - 1) The criteria enumerated in subsections (c)(1), (c)(2)(A), and (c)(6) of this Section shall apply to the Advisory Council's consideration of applications for planning grants. For the purposes of this subsection, such criteria shall be construed to apply to potential or proposed programs.
  - 2) The quality of the plan for developing the program.
  - 3) The track record of the organization in launching new initiatives.
  - 4) The appropriateness of the planning budget.
  - 5) The ability of the proposed program to become operational.
  - 6) The degree to which planning objectives coincide with the design of the proposed program.



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- 7) Consideration of the criteria enumerated in subsections (c)(2) through (c)(6) of this Section shall each comprise ten (10) per cent of the evaluation.

**Section 610.70 Member Recruitment and Selection**

- a) Each approved AmeriCorp program shall be responsible for the recruitment, interview, and selection of qualified members who possess leadership potential and a commitment to the goals of the AmeriCorps program, regardless of educational level, work experience, or economic background. Programs shall select members in a non-partisan, non-political, and non-discriminatory manner.
- b) A program may undertake its own recruitment efforts for prospective members and/or it may seek prospective members from the Corporation's national recruitment system and/or the Illinois referral list which shall be maintained by the Advisory Council. The Advisory Council shall work with approved programs at their request to select some members from the Illinois and national recruitment systems in order to supplement local recruitment with people who are from different backgrounds and regions of the nation, have special skills or training, and desire to serve but live in areas where there are few or no national service programs.

- c) The Advisory Council shall prepare and approve an application form which shall be used by all prospective Illinois AmeriCorps members when making application to an approved program or when submitting their application to the Advisory Council for inclusion in the Illinois referral list. Nothing herein shall preclude an approved program from requesting or requiring further information from prospective members provided that any such requests or requirements for further information are not inconsistent with the Act and the rules promulgated thereunder or with these rules.

- d) To ensure that members understand what will be expected from them, programs shall use member contracts that stipulate terms of service, acceptable conduct, duties and responsibilities, grievance procedures, termination rules, and other conditions and terms not inconsistent with the Act and the rules promulgated thereunder or with this Part.

**Section 610.80 Monitoring of Programs**

- a) The Advisory Council shall be responsible for ongoing efforts to monitor the quality and finances of approved Illinois AmeriCorps programs and their conformance with all requirements of the Act and the rules promulgated thereunder and with these rules. Nothing contained herein shall affect or limit in any manner the authority of the Corporation to also monitor approved Illinois AmeriCorps programs. All approved Illinois AmeriCorps programs shall cooperate with the monitoring activities of both the Corporation and the Advisory Council.

- b) The Advisory Council shall have the responsibility of preparing the

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state report required by 45 CFR 2522 and shall collect from the approved Illinois AmeriCorps programs such information as is necessary to complete this report.

- c) The Advisory Council shall follow and use the same criteria as used by the Corporation to monitor programs as are provided in the rules promulgated under the Act.
- d) Each approved Illinois AmeriCorps program shall be responsible for submitting to the Advisory Council quarterly reports and a final report for the funding cycle. These reports shall provide information on the program's progress in meeting its objectives, such other information as is specified in the rules promulgated under the Act, and the program's finances. Each year, at the beginning of the funding cycle, the Advisory Council shall set a schedule for submission of reports to itself.
- e) The Advisory Council shall have the authority to make site visits to each approved Illinois AmeriCorps program, provided that 24 hour written advance notice is given to the program.
- f) The Advisory Council shall also make a close-out site visit to each approved Illinois AmeriCorps program near or at the end of the funding cycle to review each program programmatically and financially.

**Section 610.90 Invalidity**

If any part of this Part shall be held by a court of competent jurisdiction to be invalid, such holding shall not affect the remaining parts thereof.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Assistance Standards
- 2) Code Citation: 89 Ill. Adm. Code 111
- 3) Section Number:  
111.101  
Proposed Action:  
Amendment
- 4) Statutory Authority: Sections 12-4.11 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. ch. 23, pars. 12-4.11 and 12-13) [305 ILCS 5/12-4.11 and 12-13]
- 5) Complete Description of the Subjects and Issues Involved: This rulemaking increases the Departments Assistance Standards in accordance with the methodology established in Section 111.20. The Public Aid Code requires that the Assistance Standards be updated every January based on the increase in the Consumer Price Index (CPI) for the previous fiscal year. The CPI increase for the period June 1993 through June 1994 was 2.4%. The amount of the increase to be effective January 1, 1995, based on this methodology, is 2.4%.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.
- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Judy Umunna, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave. E., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of this notice.
- 12) Initial Regulatory Flexibility Analysis:
  - A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Not applicable
  - B) Types of small businesses affected: None

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page:



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 111  
ASSISTANCE STANDARDS

Section	Incorporation By Reference
111.1	Establishment of Assistance Standards
111.10	Computation of the Assistance Standards
111.20	Amount of Assistance Standards (Family of 1)
111.30	Amount of Assistance Standards (Family of 2)
111.40	Amount of Assistance Standards (Family of 3)
111.50	Amount of Assistance Standards (Family of 4)
111.60	Amount of Assistance Standards (Family of 5)
111.70	Amount of Assistance Standards (Family of 6)
111.80	Amount of Assistance Standards (Family of 7 thru 18)
111.90	Amount of Assistance Standards (Family of 7 thru 18)
111.100	Amount of Ass-Stance Standards (Child-Only Cases) (Repealed)
111.101	Current Assistance Standards
111.110	Adjustments Following Court Orders

AUTHORITY: Implementing Articles III, IV and VI and authorized by Sections 12-4.11 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 6-1 et seq., 12-4.11 and 12-13) [305 ILCS 5/Arts. 3, 4 and 6, and 12-4.11 and 12-13].

SOURCE: Filed and effective December 30, 1977; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended at 8 Ill. Reg. 223, effective December 27, 1983; amended at 9 Ill. Reg. 295, effective January 1, 1985; amended at 10 Ill. Reg. 1920, effective January 17, 1986; amended at 11 Ill. Reg. 2297, effective January 16, 1987; amended at 12 Ill. Reg. 871, effective January 1, 1988; amended at 13 Ill. Reg. 85, effective January 1, 1989; amended at 13 Ill. Reg. 3840, effective March 10, 1989; amended at 15 Ill. Reg. 1029, effective January 23, 1991; amended at 16 Ill. Reg. 11577, effective July 15, 1992; amended at 17 Ill. Reg. 3213, effective March 1, 1993; amended at 18 Ill. Reg. 2029, effective January 21, 1994; amended at 18 Ill. Reg. 7009, effective April 27, 1994; amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 111.101 Current Assistance Standards

## Adults and Children

Family Size	Group I	Group II	Group III
1(AFDC and Refugee/Repatriate Assistance)	\$--514326	\$--495206	\$--420430
1(All Other Programs)	--400409	--988397	--373381

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

2	674690	652667	623637
3	945936	885906	847867
4	1041028	9771000	944966
5	11771205	11431170	10991125
6	13221353	12041314	12391268
7	13911424	13511383	13061337
8	14651500	14271461	13741406
9	15411577	15021538	14501484
10	16241662	15791616	15251561
11	17101751	16621701	16071645
12	17991842	17511793	16891729
13	18951940	18431887	17791821
14	19952042	19401986	18711915
15	21012151	20422091	19712018
16	22122265	21522203	20762125
17	23222384	22662320	21852237
18	24522510	23852442	23022357

## Child-Only

1	247252	235240	220233
2	407498	470481	456466
3	604618	587601	575588
4	774792	754772	739750
5	949941	895916	871891
6	9871010	963986	930960
7	10621087	10361060	10041028
8	11381165	11191139	10801105
9	12211250	11911219	11571184
10	13061337	12731303	12371266
11	13971430	13621394	13211352
12	14911526	14541488	14101443

For family sizes greater than 18 or 12, the amount of the Assistance Standard will be determined by adding \$103 or \$80 respectively for each person above 18 or 12. All rounding in determining Assistance Standards is done by rounding down to the next whole dollar amount.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC HEALTH

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1) Heading of the Part:

Subacute Care Hospital Demonstration Program Code

2) Code Citation:

77 Ill. Adm. Code 270

3) Section Numbers: Proposed Action:

270.1000 Amendments  
 270.1200 Amendments  
 270.2100 Amendments

4) Statutory Authority:

Alternative Health Care Delivery Act [210 ILCS 3], as amended by Public Act 88-490 (effective September 10, 1993)

5) A Complete Description of the Subjects and Issues Involved:

These amendments are being proposed to implement Public Act 88-490 (effective September 10, 1993), which amended the Alternative Health Care Delivery Act to provide that one of the subacute alternative health care models in the City of Chicago "shall be located on a designated site and shall have been licensed as a hospital under the Illinois Hospital Licensing Act within the 10 years immediately before the application for a license."

Section 270.1000 is being amended to add a definition of "Designated Site".

Section 270.1200 is being amended to add reference to the Designated Site to the requirements for application for and issuance of a license to operate a subacute care hospital model. The Designated Site is also required to comply with the operational requirements of the Nursing Home Care Act and the rules promulgated thereunder unless the Designated Site obtains a license to operate as a different type of health care facility, in which case the Designated Site must comply with the licensing requirements for that type of facility. The Designated Site need not be licensed as a nursing home.

Section 270.2100 is being amended to add reference to the Designated Site under patient care requirements governing blood transfusions.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of the notice in the Illinois Register.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No7) Does this Rulemaking Contain an Automatic Repeal Date? No

If "yes," please specify the date:

8) Does this Rulemaking Contain Any Incorporations By Reference? No9) Are there any other Proposed Amendments Pending on this Part? No

If Yes:

Section Numbers Proposed Action Ill. Reg. Citation

10) Statement of Statewide Policy Objectives:

This rulemaking does not create or expand a State Mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected:

Health care facilities participating in the Demonstration Program

B) Reporting, Bookkeeping or Other Procedures Required for Compliance:

None



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

C) Types of Professional Skills Necessary for Compliance:

None

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 77: PUBLIC HEALTH

## CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

## SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

## PART 270

## SUBACUTE CARE HOSPITAL DEMONSTRATION PROGRAM CODE

Section	
270.1000	Definitions
270.1050	Statutes and Rules Referenced
270.1100	Demonstration Program Elements
270.1200	Application for and Issuance of a License to Operate a Subacute Care Hospital Model
270.1300	Obligations and Privileges of Subacute Care Hospital Models
270.1400	Inspections and Investigations
270.1500	Notice of Violation and Plan of Correction
270.1600	Adverse Licensure Action
270.1700	Admission Practices
270.1800	Patient Assessment
270.1900	Comprehensive Care Plan
270.2000	Patient's Rights
270.2100	Patient Care Services
270.2200	Personnel
270.2300	Quality Assessment and Improvement

**AUTHORITY:** Implementing and authorized by the Alternative Health Care Delivery Act [210 ILCS 3], as amended by Public Act 88-490 (effective September 10, 1993).

**SOURCE:** Adopted at 18 Ill. Reg. 2424, effective January 28, 1994; amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 270.1000 Definitions**

The following terms shall have the meanings ascribed to them here whenever the term is used in this Part.

Act - the Alternative Health Care Delivery Act [210 ILCS 3].

Board - the State Board of Health. (Section 10 of the Act)

Charitable Care - the intentional provision of free or discounted subacute care hospital services to persons who cannot afford to pay.

Comparable Health Care Providers - other facilities holding the comparable Illinois Department of Public Health license.

Comprehensive Care Plan - a document, developed by the Interdisciplinary Team, that includes measurable objectives and timetables to meet a patient's medical, nursing, mental and

## DEPARTMENT OF PUBLIC HEALTH

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psychosocial needs that are identified in the comprehensive assessment. Intermediate steps must be included for each objective if identification of those steps will enhance the patient's ability to meet the objectives.

Demonstration Program or Program - a program to license and study alternative health care models authorized under the Act. (Section 10 of the Act)

Department - the Illinois Department of Public Health. (Section 10 of the Act)

Designated Site - a location in the city of Chicago not currently licensed as a hospital or nursing home, which was licensed as a hospital under the Illinois Hospital Licensing Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 142 et seq.) [210 ILCS 85] within the 10 years immediately before application for a license as a Subacute Care Hospital Model. (Section 35 of the Act as amended by P.A. 88-490)

Dietician - a person who:  
is eligible for registration by the American Dietetic Association; or  
has a baccalaureate degree with major studies in food and nutrition, dietetics, and food service management, has one year of supervisory experience in the dietetic service of a health care institution, and participates annually in continuing dietetic education.

Director - the Director of Public Health or his designee. (Section 10 of the Act)

Hospital - a facility licensed pursuant to the Hospital Licensing Act (~~411 Rev. Stat. 1991, ch. 111 1/2, pars. 142 et seq.~~) (~~210 ILCS 85~~).

Inspection - any survey, evaluation or investigation of the subacute care hospital model's compliance with the Act and this Part by the Department or designee.

Interdisciplinary Team - a group primarily responsible for preparing the comprehensive care plan, which includes the patient, the patient's representative, the attending physician, a registered nurse with responsibility for caring for the patient and other appropriate staff in disciplines determined by the patient's needs and facility policy.

Licensee - the person or entity licensed to operate the subacute care hospital model.

Nursing Home - a facility licensed pursuant to the Nursing Home Care Act to provide skilled nursing care (Ill. Rev. Stat. 1991, ch. 111

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1/2, pars. 4151-101 et seq.) [210 ILCS 45].

Patient's Program Manager - a facility staff person responsible for organizing the patient's care. This person will be qualified by training and experience but may be any of several disciplines, such as, nurse, social worker, etc. This person may have other primary job responsibilities. A facility may have a specific program manager or may have many program managers who have responsibility for a few patients.

Patient's Representative - a person authorized by the patient or by law to act on behalf of the patient.

Physician - a person licensed to practice medicine in all its branches under the Medical Practice Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, par. 4400-1 et seq.) [225 ILCS 60].

Physiological Monitoring on a Continual Basis - monitoring of a physiological function such as breathing, cardiovascular functioning or biochemical functioning on a continual basis by electronic, mechanical, or other medically appropriate method.

Registered Nurse - a person who is licensed as a registered professional nurse under the Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, pars. 3501 et seq.) [225 ILCS 65].

Social Worker - a person who:

is a licensed social worker or licensed clinical social worker under the Clinical Social Work and Social Work Practice Act (Ill. Rev. Stat. 1991, ch. 111, par. 351 et seq.) [225 ILCS 20].

Subacute Care - the provision of inpatient services in a subacute care hospital model for patients who need a greater intensity or complexity of care than generally provided in a skilled nursing facility but who no longer require the stabilization or treatment provided in acute hospital care. Subacute care includes physician supervision, registered nursing and physiological monitoring on a continual basis. (Section 35 of the Act)

Subacute Care Hospital Model - a freestanding building or a distinct physical and operational entity within a hospital or nursing home building that is licensed to participate in the Demonstration Program. A subacute care hospital model shall only consist of beds existing in licensed hospitals or skilled nursing facilities. (Section 35 of the Act)

Substantial Compliance - meeting requirements except for variance from the strict and literal performance, which results in unimportant omissions or defects given the particular circumstances involved.



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This definition is limited to the phrase as used in Section 270.1200.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 270.1200 Application for and Issuance of a License to Operate a Subacute Care Hospital Model

- a) The applicant shall be licensed as a skilled nursing home or a pediatric skilled nursing home pursuant to the Nursing Home Care Act or as a hospital pursuant to the Hospital Licensing Act or be a Designated Site.
- b) Applications for a license to operate a subacute care hospital model shall be in writing on forms provided by the Department. The application shall be made under oath and shall contain the following:
  - 1) Proof of a Certificate of Need to establish and operate a subacute care hospital model issued by the Health Facilities Planning Board under the Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1151 et seq.) [20 ILCS 3960];
  - 2) The name and address of the hospital, ~~or~~ skilled nursing home or Designated Site's licensee, which shall be the name of the Model licensee;
  - 3) The name of the proposed Model;
  - 4) The address of the proposed Model, if it is a freestanding building;
  - 5) A precise description of the site of the proposed Model, and if it is located within the hospital or skilled nursing home, the room numbers of those rooms which will be used as subacute care beds;
  - 6) The number of subacute care beds;
  - 7) The name and address of the registered agent or other individual authorized to receive Service of Process for the Model license; and
  - 8) The name of the person or persons under whose management or supervision the facility will be operated.
- c) An application for initial licensure shall be accompanied by an application fee of \$500 plus \$100 for each subacute care hospital model bed.
- d) Upon receipt and review of a complete application for licensure, the Department shall conduct an inspection to determine compliance with the Act and this Part.
- e) If the proposed Model is found to be in substantial compliance with the Act and this Part, the Department shall issue a license for a period of one year.
  - 1) The license shall not be transferable; it is issued to the licensee and for the specific location and number of beds identified in the application;
  - 2) The license shall become automatically void and shall be returned

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

to the Department if the facility's hospital or skilled nursing home license is revoked, nonrenewed or relinquished, denied, forfeited or suspended.

- f) An application for license renewal shall be filed with the Department 90-120 days prior to the expiration of the license, on forms provided by the Department.
  - 1) The renewal application shall comply with the requirements of subsections (a), (b) and (c) of this Section; and
  - 2) Upon receipt and review of a complete application for license renewal, the Department may conduct a survey. The Department shall renew the license in accordance with subsection (e) of this Section.
- g) *The Department may issue a provisional license to any subacute care hospital model that does not substantially comply with the provisions of the Act and this Part:*
  - 1) A provisional license may be issued only if the Department finds that:
    - A) *The model has undertaken changes and corrections which upon completion will render the model in substantial compliance with the Act; and*
    - B) *The health and safety of the patients in the model will be protected during the period for which the provisional license is issued.* (Section 30 (c) of the Act)
  - 2) *The Department shall advise the applicant or licensee of the conditions under which the provisional license is issued, including:*
    - A) *The manner in which the model fails to comply with the provisions of the Act;*
    - B) *The changes and corrections that shall be completed;*
    - C) *The time within which the necessary changes and corrections shall be completed* (Section 30 (c) of the Act); and
    - D) *The interim actions that are necessary to protect the health and safety of the patients.*
- h) The Subacute Care Hospital Model license or provisional license shall be prominently displayed in an area accessible to the public.
  - i) Except for the Designated Site, a Subacute Care Hospital Model licensed under this Part shall operate in conformance with the Hospital Licensing Act or Nursing Home Care Act, and the rules promulgated thereunder, corresponding to its primary facility license, for all matters and requirements not specifically addressed in this Part.
  - j) The Designated Site shall comply with the operational requirements of the Nursing Home Care Act and the rules promulgated thereunder unless the Designated Site obtains a license to operate as a different type of health care facility, in which case the Designated Site must comply with the licensing requirements for that type of facility. The Designated Site need not be licensed as a nursing home.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

## Section 270.2100 Patient Care Services

- a) The licensee shall provide physician supervision consistent with the needs of the patients, on a continual basis. (Section 35 of the Act)
- 1) There shall be frequent, consistent contact between physicians and the patient and between physicians and other facility personnel, to provide medical direction for the comprehensive care plan.
- 2) There shall be one or more direct physician to patient contacts per week.
- 3) Other contacts may be made through a combination of visits and status reports by other personnel caring for the patient.
- b) The licensee shall provide registered nursing on a continual basis through the onsite availability of registered nurses for hands-on care 24 hours per day. (Section 35 of the Act)
- c) The licensee shall provide physiological monitoring on a continual basis, as necessary to meet the needs of each patient, such as continual electronic monitoring of breathing, cardiovascular functioning or biochemical functioning. (Section 35 of the Act)
- d) The licensee shall provide 24-hour-per-day access to diagnostic support services consistent with the patient's comprehensive care plan.
- e) The licensee shall provide adequate auxiliary and support services to meet each patient's comprehensive care plan.
- f) A program manager shall be designated for each patient. A program manager may serve one or more patients. The provision of services to each patient shall be organized through the patient's manager who shall:
- 1) Assume responsibility for implementation of the comprehensive care plan;
  - 2) Assist the patient in becoming oriented to his/her program;
  - 3) Enable the patient's program to proceed in an orderly, purposeful, and goal-oriented manner;
  - 4) Promote the program's responsiveness to the needs and preferences of the patient;
  - 5) Promote the participation of the patient on an ongoing basis in discussions of plans, goals, status, etc;
  - 6) Participate consistently in team conferences concerning the patient; and
  - 7) Facilitate the discharge process and arrangements for follow-up and supportive services.
- g) The licensee shall provide other services as necessary to implement and support the patient's comprehensive care plan and overall needs, including provisions for:
- 1) Case management;
  - 2) Rostering maximum patient independence;
  - 3) Protection of patient rights, privacy and dignity;

## DEPARTMENT OF PUBLIC HEALTH

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- 4) Assisting the patient and patient's representative in understanding and adjusting to the patient's current condition, prognosis and future needs; and
- 5) Discharge planning.
- h) A Subacute Care Hospital Model licensee that is not licensed under the Hospital Licensing Act as a general acute care hospital shall have a transfer agreement with at least one general acute care hospital in order to handle cases of complications, emergencies or exigent circumstances. (Section 35 of the Act)
- i) A licensee shall develop a written policy to the extent possible, to link and integrate its services with nearby health care facilities to meet the needs of the patients. (Section 30(e) of the Act)
- j) If the facility is licensed under the Hospital Licensing Act, the Hospital Licensing Requirements shall apply to blood transfusions. If the facility is licensed under the Nursing Home Care Act or is a Designated Site, blood transfusions may be given to patients receiving subacute care only if the facility has a transfusion protocol that is approved by the medical director, director of nursing services and the administrator. The protocol must be followed and must address, at least, the following to assure the safety of the patient:
- 1) Acquisition, transportation and storage of the blood or blood products;
  - 2) Supervision by a physician;
  - 3) The supplies necessary for the transfusion and response to emergencies;
  - 4) Administration of the blood or blood products;
  - 5) Monitoring of the patient during and after the transfusion; and
  - 6) The qualifications of the staff responsible for implementing subsections (j)(1), (3), (4) and (5) above.
- 7) Arrangements with a licensed hospital to have all blood transfusions and transfusion reactions reviewed in accordance with Section 250.520(i) and (j) of the Hospital Licensing Requirements.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



ILLINOIS RACING BOARD

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Rules of the Race
- 2) Code Citation: 11 Ill. Adm. Code 1416
- 3) Section Numbers: 1416.50 Proposed Action: Amendment
- 4) Statutory Authority: 230 ILCS 5
- 5) A complete description of the subjects and issues involved: This rulemaking eliminates outdated information.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporation by reference? No.
- 9) Are there any other proposed amendments pending in this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: All comments should be submitted in writing, within 30 days of this notice, to: Illinois Racing Board, Legal Department, 100 West Randolph, Ste. 11-100, Chicago, Illinois 60601
- 12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: 10/11/94
- B) Types of small business affected: None
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the proposed amendment begins on the next page:

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER 9: RULES AND REGULATIONS OF HORSE RACING (THOROUGHBRED)

PART 1416  
RULES OF THE RACE

- Section
- 1416.5 Disqualification in Race
- 1416.10 Foul Riding
- 1416.20 Leaving Course
- 1416.30 Division of Purse in Dead Heat
- 1416.40 Dead Heat for First Place
- 1416.50 Official Records of Horse
- 1416.60 Walkover
- 1416.70 Value of Race
- 1416.80 Surplus
- 1416.90 Winnings
- 1416.100 Winnings in One Race
- 1416.110 Winner a Walkover
- 1416.120 Race Not Run or Void
- 1416.130 No Horse in Race
- 1416.140 Horse Ridden Out

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1991, ch. 8, par. 37-9(b)) [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication); codified at 5 Ill. Reg. 10988; amended at 17 Ill. Reg. 19306, effective October 25, 1993; amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 1416.50 Official Records of Horse

- a) ~~in determining eligibility, penalty or penalties and the right to allowance or allowances, the records of the Daily Racing Form shall be considered official.~~
- b) If a horse winning a race equals or betters a track record and is disqualified, the record will be recognized as a track record unless the horse was disqualified for being stimulated. This track record shall be noted with an asterisk which will reveal that the horse was disqualified at the time he established said record.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

1) Heading of the Part: Pay-Per-Call Services

2) Code Citation: 83 Ill. Adm. Code 772

3) Section Numbers:  
 772.10 New Section  
 772.20 New Section  
 772.30 New Section  
 772.35 New Section  
 772.40 New Section  
 772.45 New Section  
 772.50 New Section  
 772.55 New Section  
 772.60 New Section  
 772.70 New Section  
 772.80 New Section  
 772.90 New Section  
 772.100 New Section  
 772.110 New Section  
 772.120 New Section  
 772.130 New Section  
 772.135 New Section  
 772.140 New Section  
 772.150 New Section

4) Statutory Authority: Implementing Section 8-301 and authorized by Section 10-101 of the Public Utilities Act [220 5/8-301 and 10-101].

5) Effective Date of Rulemaking: November 1, 1994

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: October 5, 1994

9) Notice of Proposal Published in Illinois Register:

May 13, 1994, at 18 Ill. Reg. 7156.

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version:

Section 772.20: add ":" after "service" and ":" after "provide".

Section 772.40: delete the period after "service" and change "of" to "after".

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

Section 772.55(a)(1): change "six months from the effective date of this Part" to "by May 1, 1995".

Section 772.55(b): change "of" to "after".

Section 772.110(a)(1): change "60 days after the effective date of this Part" to "January 1, 1995".

Section 772.110(b)(7): change "of" to "after".

Section 772.110(b): change ";" to ":".

Section 772.110(b)(8): capitalize "state".

Section 772.110(d): change "within one year after the effective date of this Part" to "by November 1, 1995".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking:

These rules will establish the requirements placed on telecommunications carriers in Illinois regarding the relationship with pay-per-call service providers and customers of the carriers and the providers. The rules are designed to protect the customers from having basic telecommunications services discontinued for failure to pay any pay-per-call charges. The rules also set up requirements on billing, blocking, and prohibitions on specified practices.

16) Information and questions regarding these adopted rules shall be directed to:

Name: Conrad Rubinkowski  
 Address: Illinois Commerce Commission  
 527 East Capitol Avenue  
 P.O. Box 19280  
 Springfield, IL 62794-9280  
 Telephone: (217)785-8439

The full text of the Adopted Rules begins on the next page:



## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

TITLE 83: PUBLIC UTILITIES  
 CHAPTER 1: ILLINOIS COMMERCE COMMISSION  
 SUBCHAPTER f: TELEPHONE UTILITIES

## PART 772

## PAY-PER-CALL SERVICES

Section	
772.10	Applicability
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772.130	Generation of Signalling Tones
772.135	Verification of Charitable Status
772.140	Dispute Procedures
772.150	Recovery of Cost

AUTHORITY: Implementing Section 8-301 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/8-301 and 10-101].

SOURCE: Adopted at 18 Ill. Reg. 15723, effective May 01 1994.

## Section 772.10 Applicability

- a) This Part shall apply to any telecommunications carrier, as defined in Section 13-202 of the Public Utilities Act [220 ILCS 5/13-202] transporting or providing pay-per-call service within the State of Illinois.
- b) This Part shall not apply to any telecommunications carrier that is subject to 83 Ill. Adm. Code 760, "Cellular Radio Exclusion."

## Section 772.20 Definitions

"Basic telecommunications service" means both local exchange and interexchange service.

"Blocking" means the inability to access intrastate pay-per-call

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services.

"Information provider" means the sponsor that supplies the information, product, or entertainment source.

"Pay-per-call service" means any service:

In which any person provides or purports to provide:

Audio information or audio entertainment produced or packaged by such person;

Access to simultaneous voice conversation services; or

Any service, including the provision of a product, the charges for which are assessed on the basis of the completion of the call;

For which the caller pays a per-call or per-time-interval charge that is greater than, or in addition to, the charge for transmission of the call; and

Which is accessed through use of a 900 service access code or 976 exchange code.

Such term does not include directory services provided by a common carrier or its affiliate or by a local exchange carrier or its affiliate.

"Presubscription or comparable arrangement" means a contractual agreement in which the information provider discloses to the subscriber all terms and conditions associated with the use of the service, including the information provider's name and address, a local or toll-free telephone number which the consumer may use to obtain additional information or to register a complaint, and the rates for the service; the information provider agrees to notify the subscriber of any future rate changes; the subscriber agrees to utilize the service on the terms and conditions disclosed by the information provider; and the information provider requires the use of an identification number or other means to prevent unauthorized access to the service by nonsubscribers.

"Subscriber" means a customer as defined in 83 Ill. Adm. Code 735.10.

## Section 772.30 Preamble

The preamble requirements are found in Section 10 of the Pay-Per-Call Services Consumer Protection Act [815 ILCS 520/10].

## Section 772.35 Presubscription Arrangements by Credit Card or Charge Card

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Disclosure of a credit card or charge card number, along with authorization to bill that number, made during the course of a call to a pay-per-call service, shall constitute a presubscription or comparable arrangement if the credit or charge card is subject to the dispute resolution procedures of the Truth in Lending Act and the Fair Credit Billing Act, as amended (15 U.S.C. 1601 et seq.). No other action taken by the consumer during the course of a call to a pay-per-call service can be construed as creating a presubscription or comparable arrangement.

**Section 772.40 Identification of Information Providers**

*The telecommunications carrier of any pay-per-call telephone information service must provide to the customer at no charge, upon verbal or written request, the name, address and customer service telephone number of the actual provider of information service [815 ILCS 520/10]. This information shall be provided within 10 days after the initial request.*

**Section 772.45 Limitations on the Provision of Pay-Per-Call Services**

Any telecommunications carrier assigning a telephone number to a provider of intrastate pay-per-call service shall require, by contract or tariff, that such provider comply with the provisions of the Pay-Per-Call Services Consumer Protection Act and this Part. Such contract or tariff shall provide that violation of the contract or tariff shall result in termination of service to the provider of intrastate pay-per-call services.

**Section 772.50 Number Designation and Restrictions on the Use of 800 Numbers**

- a) Any intrastate pay-per-call service shall be offered only through telephone numbers beginning with a 900 service access code or 976 exchange code.
- b) Telecommunications carriers shall prohibit, by contract or tariff, the use of any telephone number beginning with an 800 service access code, or any other telephone number advertised or widely understood to be toll free, in a manner that would result in:
  - 1) The calling party or the subscriber to the originating line being assessed, by virtue of completing the call, a charge for the call;
  - 2) The calling party being connected to a pay-per-call service;
  - 3) The calling party being charged for information conveyed during the call unless the calling party has a presubscription or comparable arrangement; or
  - 4) The calling party being called back collect for the provision of audio or data information service, simultaneous voice conversation service, or products.

**Section 772.55 Billing**

- a) The bill for pay-per-call service shall:

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- 1) Appear under a separate heading that identifies the applicable pay-per-call telephone service charges. Telecommunications carriers shall comply with the requirements of this subsection by May 1, 1995;
- 2) Identify on the bill the type of service and the number that was called, the amount of the charge, the date, time, and for calls billed on a time-sensitive basis, the duration of the call;
- 3) Display the local or toll-free telephone number where subscribers can obtain answers to their questions and information on their rights and obligations with regard to their use of pay-per-call services, and can obtain the name and mailing address of the provider of pay-per-call services; and
- 4) Include a statement indicating that:
  - A) Such charges are for non-telecommunications services;
  - B) Neither local nor long distance service can be disconnected for non-payment although an information provider may employ private entities to seek to collect such charges;
  - C) 900 and 976 number blocking is available upon request; and
  - D) Access to pay-per-call services may be involuntarily blocked for failure to pay legitimate charges.
- b) The local exchange carrier or intrastate telecommunications carrier of any pay-per-call telephone information services which bills for pay-per-call services shall agree to issue to a subscriber a one-time waiver of disputed charges. Subscribers are required to dispute pay-per-call charges within 60 days after the issue date of such charges to qualify for the one-time waiver. Credits resulting from disputed pay-per-call charges that are determined by the local exchange carrier after investigation to have been billed to the wrong telephone number or billed at the incorrect rate shall be considered in error and shall not be considered a waiver.
- c) Any telecommunications carrier offering billing and collection services to an entity providing intrastate information service pursuant to a presubscription or comparable arrangement, or for intrastate tariffed collect information services, shall, to the extent possible, display the billing information in the manner described in subsection (a)(2) above.
- d) Any telecommunications carrier assigning a telephone number to a provider of intrastate pay-per-call services and offering billing and collection services to such provider shall not bill a subscriber for intrastate pay-per-call services that such carrier knows or reasonably should know were provided in violation of the Pay-Per-Call Services Consumer Protection Act or this Part.

**Section 772.60 Partial Payments**

Partial payments shall be applied first to charges of the local exchange carrier and the interexchange carrier for which tariffs have been filed with the Illinois Commerce Commission and then to charges for pay-per-call services.



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**Section 772.70 Deposits**

Deposit requests by the local exchange carrier, as set forth in 83 Ill. Adm. Code 735, shall not include pay-per-call charges. Non-payment of pay-per-call charges shall not be a cause to request a deposit.

**Section 772.80 Disconnection**

a) No local exchange carrier shall disconnect, or order the disconnection of, a telephone subscriber's basic telecommunications service as a result of that subscriber's failure to pay:

- 1) Pay-per-call service charges;
  - 2) Charges for intrastate information services provided pursuant to a presubscription or comparable arrangement; or
  - 3) Charges for intrastate tariffed collect information services that have been disputed by the subscriber.
- b) Charges for pay-per-call services shall not be included in the amount that must be paid to avoid disconnection of basic telecommunications service.

**Section 772.90 Blocking**

a) A local exchange carrier shall provide blocking, where technically feasible, at no charge on a one-time basis to all telephone subscribers.

b) The local exchange carrier may charge a non-recurring fee for each subsequent request for blocking or unblocking pay-per-call service. These charges shall be filed with the Illinois Commerce Commission pursuant to Section 9-201 of the Public Utilities Act [220 ILCS 5/9-201].

c) A subscriber who transfers service to a new location and is served by the same local exchange carrier shall be able to maintain blocking of pay-per-call service without any additional charge to establish blocking at the new location.

d) Requests by subscribers to remove pay-per-call blocking must be in writing to the local exchange carrier.

**Section 772.100 Involuntary Blocking**

a) The telecommunications carrier may block a subscriber's access of pay-per-call telephone service, but not basic telecommunications service, if the subscriber refuses to pay to the local exchange carrier any subsequent charges after the waiver provided by Section 772.55(b).

b) The subscriber shall be notified either by mail or by verbal notice that blocking will occur and that settlement of the amounts will result in the removal of involuntary blocking upon written authorization from the subscriber. The written notice shall be mailed at least 5 working days before the effective date of the blocking, or

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verbal notification shall be given at least 1 day prior to the blocking.

c) Upon settlement of outstanding pay-per-call charges, except the charges waived by Section 772.55(b), involuntary blocking shall be removed upon written authorization from the subscriber.

d) A subscriber who has filed a complaint regarding a particular pay-per-call program pursuant to procedures established by this Part shall not be involuntarily blocked from access to that program while such a complaint is pending. This restriction is not intended to preclude involuntary blocking when a carrier or information provider has decided in one instance to sustain charges against a subscriber but that subscriber files additional separate complaints.

**Section 772.110 Notices**

a) The local exchange carrier shall provide disclosure statements setting forth all rights and obligations of the subscriber and the carrier with respect to the use and payment of pay-per-call services to:

- 1) All telephone subscribers no later than January 1, 1995;
- 2) All new telephone subscribers no later than 60 days after service is established;
- 3) All telephone subscribers requesting service at a new location no later than 60 days after service is established; and
- 4) All subscribers at least twice per year thereafter.

b) Subscribers must be informed of the following provisions either on the subscriber's monthly bill or as a disclosure statement as specified in 772.110(a):

- 1) Whether free blocking is available to subscribers;
- 2) If applicable, how a non-recurring charge to block or unblock may apply to subscribers after the one-time free blocking;
- 3) That, if applicable, non-payment of pay-per-call charges may result in involuntary blocking to the pay-per-call programs;
- 4) That non-payment of pay-per-call charges may result in collection activity by the information provider or the telecommunications carrier, their agents or assigns;
- 5) That partial payments will be applied first to basic telecommunication charges, then to pay-per-call charges;
- 6) That requests to unblock pay-per-call services must be in writing;
- 7) That subscribers are required to dispute pay-per-call charges within 60 days after the issue date of such charges to qualify for the one-time waiver. Credits resulting from disputed pay-per-call charges that are determined by the local exchange carrier after investigation to have been billed to the wrong telephone number or billed at the incorrect rate shall be considered in error and shall not be considered a waiver; and
- 8) That subscribers should not be billed for pay-per-call services not offered in compliance with all applicable State laws and regulations.

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No telecommunications carrier shall recover its cost of complying with the provisions of this Part from local or long distance ratepayers.

- c) If the local exchange carrier includes pay-per-call charges on a final notice sent pursuant to 83 Ill. Adm. Code 735, such charges shall be segregated from the amounts the subscriber must pay to avoid disconnection. The final notice shall state that only the amounts excluding pay-per-call charges must be paid to avoid disconnection.
- d) All local exchange carriers shall comply with the notice requirements of subsection (c) by November 1, 1995. Any local exchange carrier may request a waiver of this compliance date by filing a petition for a waiver pursuant to 83 Ill. Adm. Code 200. In determining whether to grant such a waiver, the Commission shall consider the costs to the local exchange carrier of compliance with the requirement, the local exchange carrier's projected date for compliance with the notice requirements, and whether the local exchange carrier has procedures in effect currently that will ensure that subscribers are not disconnected for failure to pay the outstanding pay-per-call charges.

## Section 772.120 Restrictions on Collect Telephone Calls

- a) No telecommunications carrier shall provide intrastate transmission or billing and collection services to an entity offering any pay-per-call service that is billed to a subscriber on a collect basis at a per-call or per-time-interval charge that is greater than, or in addition to, the charge for transmission of the call.
- b) No telecommunications carrier shall provide intrastate transmission services for any collect information services billed to a subscriber at a tariffed rate unless the called party has taken affirmative action indicating that it accepts the charges for the collect service.

## Section 772.130 Generation of Signalling Tones

No telecommunications carrier shall assign a telephone number for any pay-per-call service which employs broadcast advertising which generates the audible tones necessary to complete a call to a pay-per-call service.

## Section 772.135 Verification of Charitable Status

Any telecommunications carrier assigning a telephone number to a provider of intrastate pay-per-call services that the carrier knows or reasonably should know is engaged in soliciting charitable contributions shall obtain verification that the entity or individual for whom contributions are solicited has registered with the Attorney General of the State of Illinois pursuant to Section 2 of the Solicitation for Charity Act [225 ILCS 460/2].

## Section 772.140 Dispute Procedures

Disputes arising under this Part shall be governed by 83 Ill. Adm. Code 735.190 and 735.200.

## Section 772.150 Recovery of Cost



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- 1) Heading of the Part: Rural Community Fire Protection Program
- 2) Code Citation: 17 Ill. Adm. Code 1570
- 3) Section Numbers: Adopted Action:
- |         |            |
|---------|------------|
| 1570.10 | Amendments |
| 1570.20 | Amendments |
| 1570.30 | Amendments |
| 1570.40 | Amendments |
| 1570.50 | Amendments |
| 1570.60 | Amendments |
| 1570.70 | Amendments |
- 4) Statutory Authority: Implementing and authorizing by Sections 63a8 and 63c of the Civil Administrative Code of Illinois (Ill. Rev. Stat., 1991, ch. 127, pars. 63a8 and 63c [20 ILCS 805/63a8 and 63c].
- 5) Effective Date of Amendments: October 18, 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) Date filed in agency's principal office: October 18, 1994
- 9) Notice of proposal published in Illinois Register: August 5, 1994, 18 Ill. Reg. 12016
- 10) Has JCAR issued a statement of objections to these rules? No
- 11) Differences between proposal and final version:
- The Authority Note was changed to include updated statutory citations.
- Section 1570.10 was amended in part to read "... Section 7(b)(3) . . .".
- Section 1570.30(b), the period at the end of the paragraph was placed inside the parentheses.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule (amendment, repealer) currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of amendments: Amendment were made to this Part to

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update definitions, terms, addresses and accountability levels to be consistent with Federal Guidelines.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price  
Department of Conservation  
524 S. Second Street, Room 485  
Springfield, IL 62701-1787  
217/782-1809

The full text of the adopted amendments begins on the next page:

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TITLE 17: CONSERVATION  
CHAPTER 1: DEPARTMENT OF CONSERVATION  
SUBCHAPTER d: FORESTRYPART 1570  
RURAL COMMUNITY FIRE PROTECTION PROGRAM

Section 1570.10	Purpose of Grant Program
1570.20	Eligibility
1570.30	General Procedures
1570.40	Selection Criteria
1570.50	Key Provisions
1570.60	Auditing Requirements
1570.70	Program Information

AUTHORITY: Implementing and authorized by Sections 63a8 and 63c of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, pars. 63a8 and 63c) [20 ILCS 805/63a8 and 63c].

SOURCE: Adopted at 4 Ill. Reg. 32, p. 18, effective July 30, 1990; codified at 5 Ill. Reg. 10658; amended at 18 Ill. Reg. 15733, effective OCT 18 1994.

## Section 1570.10 Purpose of Grant Program

The Cooperative Forestry Assistance Act of 1978, Section 7(b)(3), 16USC 2106(b)(3), as amended, authorized and directed the Secretary of Agriculture to provide financial, technical and related assistance to State Foresters or equivalent State officials in cooperative efforts to organize, train and equip fire departments agencies in rural areas and communities under 10,000 population to prevent and suppress fires.

(Source: Amended at 18 Ill. Reg. 15733, effective OCT 18 1994)

## Section 1570.20 Eligibility

- a) ~~The requesting community must be under 10,000 population. A group of small communities, none of which is over 10,000 in population, is eligible to submit a joint application. In this joint application, each community may serve more than 10,000. An applicant must be a fire agency (fire department or fire protection district).~~
- b) Applicants must serve communities under 10,000 population or serve several small communities (each community being under 10,000 people). A group of applicants, none of which serve communities over 10,000 population, are eligible to submit a joint application.
- b7c) The request for assistance must be for organizing, training and equipment. Special consideration in establishing priorities will be

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given to ~~communities~~ applicants asking for help for all three.

e7d) The ~~community~~ applicant share of the cost must be available at the time of application. This can be in the form of planned contributions in kind, such as volunteer labor, in some projects. The ~~community~~ applicant share of the cost is 50% of the total amount of money requested from a Rural Community Fire Protection (RCFP) grant by a local fire ~~department~~ agency. On the application for such a grant, the requesting fire ~~department~~ agency states the total amount of money needed for their project, 50% of that amount and further states that their share (50% of the total amount requested) is available at the time of application.

(Source: Amended at 18 Ill. Reg. 15733, effective OCT 18 1994)

## Section 1570.30 General Procedures

- a) Rural ~~communities~~ applicants seeking assistance must file an application with the State Forester, Department of Conservation, Division of ~~Forestry~~ ~~North-West-Office-Pleas~~ ~~State--#2 Forest Resources~~, 600 North Grand Avenue West, P.O. Box 19225, Springfield, Illinois 62794-9225. Deadlines for the grant program will comply with the Federal Fiscal Year, October 1 - September 30. The deadline for submission of a grant application will be set by the Department and will vary from year to year because of notice to the Department from the United States Forest Service as to the funding of this grant program.
- b) The State Forester will evaluate each proposal to determine if it meets the basic criteria as stated under Section 1570.20 above. He will also evaluate each qualifying proposal to determine the priority of the proposed project. (See Section 1570.40 for further explanation of criteria used in determining priority.)
- c) ~~Communities~~ Applicants with qualifying applications will then receive notification from the ~~State-Forester~~ Department of Conservation of availability of cost-share funds within limits of the federal allocation to the State.
- d) Notification will be sent to proponents of applications which did not have high enough priority to be funded for the current ~~years~~ year. The "year" begins, or corresponds, to the Federal Fiscal Year, October 1 - September 30.
- e) Claim for reimbursement should be submitted to the State Forester by ~~communities~~ applicants with approved projects.
- (Source: Amended at 18 Ill. Reg. 15733, effective OCT 18 1994)

## Section 1570.40 Selection Criteria

- a) Some of the priority-determining criteria are whether the program

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will:

- 1) improve insurance classification;
  - 2) result in an organization formed under improved fire plans (the formation of fire districts or other legal entities will be encouraged);
  - 3) encourage community applicant use of all aspects of the program (training, organizing and equipping);
  - 4) encourage communities applicant in the development of both structural and rural land fire prevention and suppression.
- b) Specific criteria are:
- 1) degree of hazard;
  - 2) number of communities applicants involved;
  - 3) involvement with Farmers Home Administration (FmHA);
  - 4) aspects of program used (organization, training and equipment);
  - 5) effect on insurance rates;
  - 6) compatibility with state-wide rural protection plans;
  - 7) smoke-or-heat-sensors communication equipment;
  - 8) lack of tax base;
  - 9) written memorandum with Illinois Division of Forestry Forest Resources;
  - 10) definite training plans;
  - 11) protection of government land and facilities;
  - 12) protective clothing and equipment;
  - 13) modification of Federal Excess equipment;
  - 14) ground cover tools and equipment;:
  - 15) catastrophic loss.

(Source: Amended at 18 Ill. Reg. 15733, effective OCT 18 1994 )

## Section 1570.50 Key Provisions

- a) Financial assistance on any project during any fiscal year cannot exceed 50 percent of the actual expenditures or the maximum allowable cost share dollar amount, including expenditures of local public and private non-profit organizations participating in the agreement.
- b) This assistance is available to applicants serving communities under 10,000. However, a group of small--communities applicants (each community serving communities with a population of under 10,000) will qualify for consideration if they meet all requirements under Section 1570.20 above. Each community applicant may serve more than 10,000 in the entire protection area.
- c) Reimbursement for construction expenses and/or rescue equipment is not authorized.
- d) Applications for new fire trucks are not authorized.

(Source: Amended at 18 Ill. Reg. 15733, effective OCT 18 1994 )

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## Section 1570.60 Auditing Requirements

- a) Communities Applicants will maintain a record of Project Accomplishments including the following:
- 1) signed agreement with State-Forester Department of Conservation;
  - 2) source documents such as paid invoices, signed time reports showing hours of volunteer work of "in-kind" contributions;
  - 3) source of fire agency funds and how funds were expended;
  - 3+4) copy of reimbursement of funds documents;
  - 4+5) accountability records showing current status of equipment over \$100 \$1,000 in value purchased under agreement.
- b) Participating departments agencies must permit necessary auditing of the above records.

(Source: Amended at 18 Ill. Reg. 15733, effective OCT 18 1994 )

## Section 1570.70 Program Information

Information on the Rural Community Fire Protection Program may be obtained by writing the State Forester, Department of Conservation, Division of Forestry North--West--Office--Piaza--Suite--#27 Forest Resources, 600 North Grand Avenue West, P.O. Box 19225, Springfield, Illinois 62706 62794-9225.

(Source: Amended at 18 Ill. Reg. 15733, effective OCT 18 1994 )



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1) Heading of the Part: White-Tailed Deer Hunting Season by Use of Handguns

2) Code Citation: 17 Ill. Adm. Code 680

3) Section Numbers: Adopted Action:

680.10 Amendments  
680.20 Amendments

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36) [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

5) Effective Date of Amendments: October 18, 1994

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) Date filed in agency's principal office: October 18, 1994

9) Notice of proposal published in Illinois Register: July 15, 1994, 18 Ill. Reg. 10998

10) Has JCAR issued a statement of objections to these rules: No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace an emergency rule (amendment, repealer) currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and purpose of amendments: This Part was amended to standardize dates by removing the "year" so that the rule will not need to be amended annually simply to change the dates.

16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price  
Department of Conservation  
524 S. Second Street, Room 485  
Springfield, IL 62701-1787  
217/782-1809

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The full text of the adopted amendments begins on the next page

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permit applications and other information write to:

Department of Conservation  
(Handgun Deer Season)  
Deer Permit Office

524 South Second Street, Room 210

Post Office Box 19227

Springfield, IL 62794-9227

- b) Applications shall be accepted from November 1 through November 12 14 for the 1994 Handgun Deer Season in January. Applications post-marked after November 12 14 shall not be included in the drawing. Permits shall be allocated in a random drawing. Permits not correctly filled out shall be rejected from the random drawing. Permits shall be issued as antlerless-only.
- c) In-person and mail-in applications shall receive equal treatment in the drawings.
- d) Each applicant must apply using the official agency Handgun Deer Permit Application, and must complete all portions of the form. No more than 6 single applications per envelope shall be accepted. Each applicant must submit a separate personal check or money order. Separate envelopes must be used to send permit applications to the Deer Permit Office for regular firearm, muzzleloading rifle, handgun, archery, and free or paid landowner/tenant permits.
- e) For the applicant to be eligible to receive a Handgun Deer Permit (\$15.00), he must be an Illinois resident, at least 18 years of age by the opening date of the handgun deer season and not have had his deer hunting privileges suspended or revoked in this State pursuant to Section 3.36 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, par. 3.36) [520 ILCS 5/3.36].
- f) Applications shall be accepted at the counter window of the permit office; however, permits shall be mailed.
- g) Recipients of the Handgun Deer Hunting Permit shall record their signature, Firearm Owner's Identification number (unless exempt), hunting license number (unless exempt) and physical description on the permit and must carry it on their person while hunting.
- h) Permits are not transferable. Refunds shall not be granted unless the Department has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.
- i) A three dollar (\$3.00) service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there shall be no charge. Monies derived from this source shall be deposited in the Wildlife and Fish Fund.
- j) Each applicant must enclose a separate \$15.00 (check or money order) payable to the Department of Conservation, or the application shall be returned. Applicants should not send cash with their applications. The Department shall not be responsible for cash sent through the mail.

(Source: Amended at 18 Ill. Reg. 15739, effective

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TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF CONSERVATION

SUBCHAPTER b: FISH AND WILDLIFE

PART 680

WHITE-TAILED DEER HUNTING SEASON BY USE OF HANDGUNS

- Section 680.10 Statewide Season
- 680.20 Statewide Deer Permit Requirements
- 680.30 Deer Permit Requirements - Group Hunt
- 680.40 Statewide Handgun Requirements for Deer Hunting
- 680.50 Statewide Deer Hunting Rules
- 680.60 Reporting Harvest
- 680.70 Rejection of Application/Revocation of Permits
- 680.80 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36) [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

SOURCE: Adopted at 15 Ill. Reg. 13353, effective September 3, 1991; amended at 16 Ill. Reg. 15446, effective September 28, 1992; amended at 17 Ill. Reg. 18810, effective October 19, 1993; amended at 18 Ill. Reg. 15739, effective OCT 18 1994.

Section 680.10 Statewide Season

- a) Season: One-half hour before sunrise on Friday of the second 3-day week (Friday, Saturday, Sunday) in January to sunset on Sunday of this 3-day weekend in January. Shooting hours are one-half hour before sunrise to sunset.
- b) For the purpose of removing surplus deer, the Department of Conservation (Department) shall open select counties and sites to handgun deer hunting. The Department shall notify the public of the counties that are projected to have surplus deer populations via a news release. These counties also will be listed in the instructions contained with the 1994 Handgun Deer Permit Application.

(Source: Amended at 18 Ill. Reg. 15739, effective OCT 18 1994)

Section 680.20 Statewide Deer Permit Requirements

- a) Illinois resident hunters must have a current, valid "Handgun Deer Permit" (\$15.00) and must be 18 years of age or older by the opening date of the handgun deer season applied for. A permit is issued for one county and is valid only in the county stated on the permit. For

## DEPARTMENT OF CONSERVATION

## NOTICE OF ADOPTED AMENDMENTS

OCT 18 1994 )

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Definitions and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 211
- 3) Section Numbers: Adopted Action:
- |          |             |
|----------|-------------|
| 211.102  | Amended     |
| 211.1920 | New Section |
| 211.3500 | New Section |
| 211.3620 | New Section |
| 211.4260 | New Section |
| 211.5340 | New Section |
| 211.6355 | New Section |
| 211.6360 | New Section |
- 4) Statutory Authority: 415 ILCS 5/28.5 and 39.5
- 5) Effective Date of Amendments: October 17, 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) Date filed in Board's principal office: Order adopted on October 6, 1994.
- 9) Notice of Proposal Published in Illinois Register:  
June 3, 1994, 18 Ill. Reg. 8331
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:  
There are no substantive changes between the proposal and the final version. The only changes made are typographical corrections and minor word changes requested by JCAR and formatting changes recommended by the Administrative Code Division.
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?  
Yes, and JCAR's verbal recommendations have been incorporated into the text.
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any other amendments pending on this Part? Yes



POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section Numbers	Proposed Action	Ill. Reg. Citation
211.660	New	18 Ill. Reg. 15192
211.680	New	18 Ill. Reg. 15192
211.820	New	18 Ill. Reg. 15192
211.980	New	18 Ill. Reg. 15192
211.1780	New	18 Ill. Reg. 15192
211.1880	New	18 Ill. Reg. 15192
211.1900	New	18 Ill. Reg. 15192
211.2290	New	18 Ill. Reg. 15192
211.2300	New	18 Ill. Reg. 10536
211.2360	New	18 Ill. Reg. 15192
211.2365	New	18 Ill. Reg. 15192
211.2630	New	18 Ill. Reg. 15192
211.3480	New	18 Ill. Reg. 9228
211.3650	Amend	18 Ill. Reg. 9228
211.3660	New	18 Ill. Reg. 9228
211.3695	New	18 Ill. Reg. 10536
211.3970	Amend	18 Ill. Reg. 9228
211.3990	Amend	18 Ill. Reg. 9228
211.4130	Amend	18 Ill. Reg. 10536
211.4055	New	18 Ill. Reg. 15192
211.4740	New	18 Ill. Reg. 15192
211.5065	New	18 Ill. Reg. 15192
211.5480	New	18 Ill. Reg. 15192
211.5600	New	18 Ill. Reg. 15192
211.6060	New	18 Ill. Reg. 15192
211.6140	New	18 Ill. Reg. 15192
211.6400	New	18 Ill. Reg. 15192
211.6580	New	18 Ill. Reg. 15192
211.6880	New	18 Ill. Reg. 15192
211.7400	New	18 Ill. Reg. 15192

15) Summary and Purpose of Amendments:

These proposed amendments are required by Section 28.5 of the Environmental Protection Act and add definitions of terms used in the adopted amendments to Part 201 (see separate notice for Part 201 addressing insignificant activities and emission levels for purposes of the Clean Air Act Permit Program ("CAAPP")). A more detailed description is contained in the Board's opinion of October 6, 1994, in R94-14, which Opinion is available from the address below.

16) Information and questions regarding this adopted amendment shall be directed to:

Diane F. O'Neill  
Attorney  
Illinois Pollution Control Board

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

100 W. Randolph 11-500  
Chicago, IL 60601  
312-814-6062

The full text of the adopted amendments begins on the next page:

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE B: AIR POLLUTION

## CHAPTER I: POLLUTION CONTROL BOARD

## SUBCHAPTER C: EMISSION STANDARDS AND LIMITATIONS

## FOR STATIONARY SOURCES

## PART 211

## DEFINITIONS AND GENERAL PROVISIONS

## SUBPART A: GENERAL PROVISIONS

## Section

211.101 Incorporations by Reference

211.102 Abbreviations and Units Conversion Factors

## SUBPART B: DEFINITIONS

## Section

211.121 Other Definitions

211.122 Definitions (Repealed)

211.130 Accelacota

211.150 Accumulator

211.170 Acid Gases

211.210 Actual Heat Input

211.230 Adhesive

211.250 Aeration

211.270 Aerosol Can Filling Line

211.290 Afterburner

211.310 Air Contaminant

211.330 Air Dried Coatings

211.350 Air Oxidation Process

211.370 Air Pollutant

211.390 Air Pollution

211.410 Air Pollution Control Equipment

211.430 Air Suspension Coater/Dryer

211.450 Airless Spray

211.470 Air Assisted Airless Spray

211.490 Annual Grain Through-Put

211.510 Application Area

211.530 Architectural Coating

211.550 As Applied

211.570 Asphalt

211.590 Asphalt Prime Coat

211.610 Automobile

211.630 Automobile or Light-Duty Truck Assembly Source or Automobile or

Light-Duty Truck Manufacturing Plant

211.650 Automobile or Light-Duty Truck Refinishing

211.670 Baked Coatings

211.690 Batch Loading

## POLLUTION CONTROL BOARD

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211.710

Bead-Dipping

211.730

Binders

211.750

British Thermal Unit

211.770

Brush or Wipe Coating

211.790

Bulk Gasoline Plant

211.810

Bulk Gasoline Terminal

211.830

Can

211.850

Can Coating

211.870

Can Coating Line

211.890

Capture

211.910

Capture Device

211.930

Capture Efficiency

211.950

Capture System

211.970

Certified Investigation

211.990

Choke Loading

211.1010

Clean Air Act

211.1050

Cleaning and Separating Operation

211.1070

Cleaning Materials

211.1090

Clear Coating

211.1110

Clear Topcoat

211.1130

Closed Purged System

211.1150

Closed Vent System

211.1170

Coal Refuse

211.1190

Coating

211.1210

Coating Applicator

211.1230

Coating Line

211.1250

Coating Plant

211.1270

Coil Coating

211.1290

Coil Coating Line

211.1310

Cold Cleaning

211.1330 Complete Combustion

211.1350 Component

211.1370 Concrete Curing Compounds

211.1390 Concentrated Nitric Acid Manufacturing Process

211.1410 Condensate

211.1430 Condensible PM-10

211.1470 Continuous Process

211.1490 Control Device

211.1510 Control Device Efficiency

211.1530 Conventional Soybean Crushing Source

211.1550 ConveyORIZED Degreasing

211.1570 Crude Oil

211.1590 Crude Oil Gathering

211.1610 Crushing

211.1630 Custody Transfer

211.1650 Outback Asphalt

211.1670 Daily-Weighted Average VOM Content

211.1690 Day

211.1710 Degreaser

## POLLUTION CONTROL BOARD

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211.1730	Delivery Vessel
211.1750	Dip Coating
211.1770	Distillate Fuel Oil
211.1790	Drum
211.1810	Dry Cleaning Operation or Dry Cleaning Facility
211.1830	Dump-Pit Area
211.1850	Effective Grate Area
211.1870	Effluent Water Separator
211.1890	Electrostatic Bell or Disc Spray
211.1910	Electrostatic Spray
211.1920	Emergency or Standby Unit
211.1930	Emission Rate
211.1950	Emission Unit
211.1970	Enamel
211.1990	Enclose
211.2010	End Sealing Compound Coat
211.2030	Enhanced Under-the-Cup Fill
211.2050	Ethanol Blend Gasoline
211.2070	Excess Air
211.2090	Excessive Release
211.2110	Existing Grain-Drying Operation
211.2130	Existing Grain-Handling Operation
211.2150	Exterior Base Coat
211.2170	Exterior End Coat
211.2190	External Floating Roof
211.2210	Extreme Performance Coating
211.2230	Fabric Coating
211.2250	Fabric Coating Line
211.2270	Federally Enforceable Limitations and Conditions
211.2310	Final Repair Coat
211.2330	Firebox
211.2350	Fixed-Roof Tank
211.2370	Flexographic Printing
211.2390	Flexographic Printing Line
211.2410	Floating Roof
211.2430	Fountain Solution
211.2450	Freeboard Height
211.2470	Fuel Combustion Emission Unit or Fuel Combustion Emission Source
211.2490	Fugitive Particulate Matter
211.2510	Full Operating Flowrate
211.2530	Gas Service
211.2550	Gas/Gas Method
211.2570	Gasoline
211.2590	Gasoline Dispensing Operation or Gasoline Dispensing Facility
211.2610	Gel Coat
211.2650	Grain
211.2670	Grain-Drying Operation
211.2690	Grain-Handling and Conditioning Operation
211.2710	Grain-Handling Operation

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## NOTICE OF ADOPTED AMENDMENTS

211.2730	Green-Tire Spraying
211.2750	Green Tires
211.2770	Gross Heating Value
211.2790	Gross Vehicle Weight Rating
211.2810	Heated Airless Spray
211.2830	Heatset
211.2850	Heatset-Web-Offset Lithographic Printing Line
211.2870	Heavy Liquid
211.2890	Heavy Metals
211.2910	Heavy Off-Highway Vehicle Products
211.2930	Heavy Off-Highway Vehicle Products Coating
211.2950	Heavy Off-Highway Vehicle Products Coating Line
211.2970	High Temperature Aluminum Coating
211.2990	High Volume Low Pressure (HVLP) Spray
211.3010	Hood
211.3030	Hot Well
211.3050	Housekeeping Practices
211.3070	Incinerator
211.3090	Indirect Heat Transfer
211.3110	Ink
211.3130	In-Process Tank
211.3150	In-Situ Sampling Systems
211.3170	Interior Body Spray Coat
211.3190	Internal-Floating Roof
211.3210	Internal Transferring Area
211.3230	Lacquers
211.3250	Large Appliance
211.3270	Large Appliance Coating
211.3290	Large Appliance Coating Line
211.3310	Light Liquid
211.3330	Light-Duty Truck
211.3350	Light Oil
211.3370	Liquid/Gas Method
211.3390	Liquid-Mounted Seal
211.3410	Liquid Service
211.3430	Liquids Dripping
211.3450	Lithographic Printing Line
211.3470	Load-Out Area
211.3490	Low Solvent Coating
211.3500	Lubricating Oil
211.3510	Magnet Wire
211.3530	Magnet Wire Coating
211.3550	Magnet Wire Coating Line
211.3570	Major Dump Pit
211.3590	Major Metropolitan Area (MMA)
211.3610	Major Population Area (MPA)
211.3620	Manually Operated Equipment
211.3630	Manufacturing Process
211.3650	Marine Terminal



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211.3670	Material Recovery Section
211.3690	Maximum Theoretical Emissions
211.3710	Metal Furniture
211.3730	Metal Furniture Coating
211.3750	Metal Furniture Coating Line
211.3770	Metallic Shoe-Type Seal
211.3790	Miscellaneous Fabricated Product Manufacturing Process
211.3810	Miscellaneous Formulation Manufacturing Process
211.3830	Miscellaneous Metal Parts and Products
211.3850	Miscellaneous Metal Parts and Products Coating
211.3870	Miscellaneous Metal Parts or Products Coating Line
211.3890	Miscellaneous Organic Chemical Manufacturing Process
211.3910	Mixing Operation
211.3930	Monitor
211.3950	Monomer
211.3970	Multiple Package Coating
211.3990	New Grain-Drying Operation
211.4010	New Grain-Handling Operation
211.4030	No Detectable Volatile Organic Material Emissions
211.4050	Non-Contact Process Water Cooling Tower
211.4070	Offset
211.4090	One Hundred Percent Acid
211.4110	One-Turn Storage Space
211.4130	Opacity
211.4150	Opaque Stains
211.4170	Open Top Vapor Degreasing
211.4190	Open-Ended Valve
211.4210	Operator of a Gasoline Dispensing Operation or Operator of a Gasoline Dispensing Facility
211.4230	Organic Compound
211.4250	Organic Material and Organic Materials
211.4260	Organic Solvent
211.4270	Organic Vapor
211.4290	Oven
211.4310	Overall Control
211.4330	Overvarnish
211.4350	Owner of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing Facility
211.4370	Owner or Operator
211.4390	Packaging Rotogravure Printing
211.4410	Packaging Rotogravure Printing Line
211.4430	Pail
211.4450	Paint Manufacturing Source or Paint Manufacturing Plant
211.4470	Paper Coating
211.4490	Paper Coating Line
211.4510	Particulate Matter
211.4530	Parts Per Million (Volume) or PPM (Vol)
211.4550	Person
211.4590	Petroleum

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211.4610	Petroleum Liquid
211.4630	Petroleum Refinery
211.4650	Pharmaceutical
211.4670	Pharmaceutical Coating Operation
211.4690	Photochemically Reactive Material
211.4710	Pigmented Coatings
211.4730	Plant
211.4750	Plasticizers
211.4770	PM-10
211.4790	Pneumatic Rubber Tire Manufacture
211.4810	Polybasic Organic Acid Partial Oxidation Manufacturing Process
211.4830	Polyester Resin Material(s)
211.4850	Polyester Resin Products Manufacturing Process
211.4870	Polystyrene Plant
211.4890	Polystyrene Resin
211.4910	Portable Grain-Handling Equipment
211.4930	Portland Cement Manufacturing Process Emission Source
211.4950	Portland Cement Process or Portland Cement Manufacturing Plant
211.4970	Potential to Emit
211.4990	Power Driven Fastener Coating
211.5030	Pressure Release
211.5050	Pressure Tank
211.5060	Pressure/Vacuum Relief Valve
211.5070	Prime Coat
211.5090	Primer Surfacer Coat
211.5110	Primer Surfacer Operation
211.5130	Primers
211.5150	Printing
211.5170	Printing Line
211.5185	Process Emission Source
211.5190	Process Emission Unit
211.5210	Process Unit
211.5230	Process Unit Shutdown
211.5250	Process Weight Rate
211.5270	Production Equipment Exhaust System
211.5310	Publication Rotogravure Printing Line
211.5330	Purged Process Fluid
211.5340	Rated Heat Input Capacity
211.5350	Reactor
211.5370	Reasonably Available Control Technology (RACT)
211.5390	Reclamation System
211.5410	Refiner
211.5430	Refinery Fuel Gas
211.5450	Refinery Fuel Gas System
211.5470	Refinery Unit or Refinery Process Unit
211.5490	Refrigerated Condenser
211.5500	Regulated Air Pollutant
211.5510	Reid Vapor Pressure
211.5530	Repair

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211.5550	Repair Coat
211.5570	Repaired
211.5590	Residual Fuel Oil
211.5610	Restricted Area
211.5630	Retail Outlet
211.5650	Ringelmann Chart
211.5670	Roadway
211.5690	Roll Coater
211.5710	Roll Coating
211.5730	Roll Coating
211.5750	Roll Coating
211.5770	Rotogravure Printing
211.5790	Rotogravure Printing Line
211.5810	Safety Relief Valve
211.5830	Sandblasting
211.5850	Sanding Sealers
211.5870	Screening
211.5890	Sealer
211.5910	Semi-Transparent Stains
211.5930	Sensor
211.5950	Set of Safety Relief Valves
211.5970	Sheet Basecoat
211.5990	Shotblasting
211.6010	Side-Seam Spray Coat
211.6030	Smoke
211.6050	Smokeless Flare
211.6070	Solvent
211.6090	Solvent Cleaning
211.6110	Solvent Recovery System
211.6130	Source
211.6150	Specialty High Gloss Catalyzed Coating
211.6170	Specialty Leather
211.6190	Specialty Soybean Crushing Source
211.6210	Splash Loading
211.6230	Stack
211.6250	Stain Coating
211.6270	Standard Conditions
211.6290	Standard Cubic Foot (scf)
211.6310	Start-Up
211.6330	Stationary Emission Source
211.6350	Stationary Emission Unit
211.6370	Stationary Gas Turbine
211.6390	Stationary Reciprocating Internal Combustion Engine
211.6410	Stationary Storage Tank
211.6430	Storage Tank or Storage Vessel
211.6450	Styrene Devolatilizer Unit
211.6470	Styrene Recovery Unit
211.6490	Submerged Loading Pipe

211.6490	Substrate
211.6510	Sulfuric Acid Mist
211.6530	Surface Condenser
211.6550	Synthetic Organic Chemical or Polymer Manufacturing Plant
211.6570	Tablet Coating Operation
211.6590	Thirty-Day Rolling Average
211.6610	Three-Piece Can
211.6630	Through-the-Valve Fill
211.6650	Tooling Resin
211.6670	Topcoat
211.6690	Topcoat Operation
211.6710	Touch-Up
211.6730	Transfer Efficiency
211.6750	Tread End Cementing
211.6770	True Vapor Pressure
211.6790	Turnaround
211.6810	Two-Piece Can
211.6830	Under-the-Cup Fill
211.6850	Undertread Cementing
211.6870	Unregulated Safety Relief Valve
211.6890	Vacuum Producing System
211.6910	Vacuum Service
211.6930	Valves Not Externally Regulated
211.6950	Vapor Balance System
211.6970	Vapor Collection System
211.6990	Vapor Control System
211.7010	Vapor-Mounted Primary Seal
211.7030	Vapor Recovery System
211.7050	Vapor Suppressed Polyester Resin
211.7070	Vinyl Coating
211.7090	Vinyl Coating Line
211.7110	Volatile Organic Liquid (VOL)
211.7130	Volatile Organic Material Content (VOMC)
211.7150	Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)
211.7170	Volatile Petroleum Liquid
211.7190	Wash Coat
211.7210	Wastewater (Oil/Water) Separator
211.7230	Weak Nitric Acid Manufacturing Process
211.7250	Web
211.7270	Wholesale Purchase - Consumer
211.7290	Wood Furniture
211.7310	Wood Furniture Coating
211.7330	Wood Furniture Coating Line
211.7350	Woodworking

APPENDIX A

Rule into Section Table

APPENDIX B

Section into Rule Table

AUTHORITY: Implementing Sections 9, 9.1 and 10 and authorized by Sections 27

POLLUTION CONTROL BOARD

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and 28.5 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 10, 27 and 28.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R86-37 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 17457, effective January 1, 1990; amended in R89-16(A) at 14 Ill. Reg. 9141, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 5223, effective March 28, 1991; amended in R88-14 at 15 Ill. Reg. 7901, effective May 14, 1991; amended in R91-10 at 15 Ill. Reg. 15564, effective October 11, 1991; amended in R91-6 at 15 Ill. Reg. 15673, effective October 14, 1991; amended in R91-22 at 16 Ill. Reg. 7656, effective May 1, 1992; amended in R91-24 at 16 Ill. Reg. 13526, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16504, effective September 27, 1993; amended in R93-11 at 17 Ill. Reg. 21471, effective December 7, 1993; amended in R93-14 at 18 Ill. Reg. 1253, effective January 18, 1994; amended in R94-12 at 18 Ill. Reg. 1253, effective October 17, 1994.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

Section 211.102 Abbreviations and Units Conversion Factors

a) Abbreviations used in this part include the following:

ASTM	American Society for Testing and Materials
bbl	barrels (42 gallons)
btu	British thermal units (60° F)
btu/hr	btu per hour
° C	degrees Celsius or Centigrade
CAAPP	Clean Air Act Permit Program
cm	centimeters
cu in	cubic inches
° F	degrees Fahrenheit
FIP	Federal Implementation Plan
ft	feet
ft(2)	square feet

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ft(3)	cubic feet
g	grams
gpm	gallons per minute
g/mole	grams per mole
gal	gallons
hp	horsepower
hr	hours
in	inch
° K	degrees Kelvin
kcal	kilocalories
Kg	kilograms
kg/hr	kilograms per hour
KPa	kilopascals; one thousand newtons per square meter
kW	kilowatt
l	liters
l/sec	liters per second
lbs	pounds
lbs/day	pounds per day
lbs/hr	pounds per hour
lbs/gal	pounds per gallon
lbs/yr	pounds per year
LEL	lower explosive limit
m	meters
m(2)	square meters
m(3)	cubic meters
mg	milligrams
Mg	Megagrams, metric tons or tonnes
ml	milliliters
min	minutes
MJ	megajoules
mmbtu	million British thermal units
mmbtu/hr	million British thermal units per hour
mmHg	millimeters of mercury
MTE	maximum theoretical emissions
MW	megawatt; one million watts
MW-hr	megawatt per hour
NDO	natural draft opening
NOX	nitrogen oxides
ppm(vol)	parts per million
ppmv	parts per million by volume
ppmvd	parts per million by volume dry
psi	pounds per square inch
psia	pounds per square inch absolute
psig	pounds per square inch gauge
PTE	potential to emit
RACT	reasonably available control technology
scf	standard cubic feet
scm	standard cubic meters



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sec	seconds
SIP	State Implementation Plan
TPE	temporary total enclosure
sq cm	square centimeters
sq in	square inches
T	short ton (2,000 lbs)
ton	short ton (2,000 lbs)
TPY	tons per year
USEPA	United States Environmental Protection Agency
VOC	volatile organic compounds
VOL	volatile organic liquids
VOM	volatile organic materials

b) The following conversion factors have been used in this part:

English	Metric
1 gal	3.785 l
1,000 gal	3,785 l or 3.785 m(3)
1 psia	6.897kPa(51.71 mmHg)
2.205 lbs	1 kg
32° F	0° C(273.15° K)
1 bbl	159.0 l
1 cu in	16.39 ml
1 lb/gal	119,800 mg/l
1 lb/mmbtu	1.548 kg/MW-hr
1 lb/T	0.500 kg/Mg
1 ton	0.907 Mg
1 T	0.907 Mg
mmbtu/hr	0.293 MW

(Source: Amended at 18 Ill. Reg. 15744, effective OCT 17 1994)

## SUPPORT B: DEFINITIONS

## Section 211.1920 Emergency or Standby Unit

"Emergency or standby unit" means, for a stationary gas turbine or a stationary reciprocating internal combustion engine, a unit that:

- Supplies power for the source at which it is located but operates only when the normal supply of power has been rendered unavailable by circumstances beyond the control of the owner or operator of the source and only as necessary to assure the availability of the engine or turbine;
- Operates exclusively for firefighting or flood control or both; or
- Operates in response to and during the existence of any officially declared disaster or state of emergency.

The term does not include equipment used for purposes other than emergencies, as described above, such as to supply power during high electric demand days.

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(Source: Added at 18 Ill. Reg. 15744, effective OCT 17 1994)

## Section 211.3500 Lubricating Oil

"Lubricating oil" means an oil manufactured from petroleum or used oil for a use other than fuel, including engine oil, gear oil, transmission oil, turbine oil, hydraulic oil, aviation oil, heat transfer oil, as well as synthetic oils manufactured to serve such functions, base stock, and additive packages and individual additives for such lubricating oil including viscosity index improvers, dispersants, corrosion inhibitors, antioxidants, detergents, wear inhibitors, friction modifiers, and pour point depressants, but not including used oil.

(Source: Added at 18 Ill. Reg. 15744, effective OCT 17 1994)

## Section 211.3620 Manually Operated Equipment

"Manually operated equipment" means a machine or tool that is handheld, such as a handheld circular saw or compressed air chisel; a machine or tool where the workpiece is held or manipulated by hand, such as a bench grinder; a machine or tool where the tool or bit is manipulated by hand, such as a lathe or drill press; and any dust collection system which is part of such machine or tool; but not including any machine or tool where the extent of manual operation is to control power to the machine or tool and not including any central dust collection system serving more than one machine or tool.

(Source: Added at 18 Ill. Reg. 15744, effective OCT 17 1994)

## Section 211.4260 Organic Solvent

"Organic solvent" means a solvent that consists of organic mineral spirits, methyl ethyl ketone, acetone, ethanol, ether, toluene, or other organic materials other than soap, detergent, surfactants, lubricating oil, wax, vegetable oil, grease, glycerin, or animal fat. For purposes of 35 Ill. Adm. Code 201, Subpart F, a solvent which is a mixture shall be an organic solvent if it contains more than 5 percent by volume of such organic materials.

(Source: Added at 18 Ill. Reg. 15744, effective OCT 17 1994)

## Section 211.5340 Rated Heat Input Capacity

"Rated heat input capacity" means the ability of an emission unit to combust a maximum amount of fuel on a steady state basis, as limited by a federally enforceable permit condition, or otherwise as stated by the manufacturer of the unit, based on the physical design and characteristics of the unit, or, if

## POLLUTION CONTROL BOARD

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higher than the manufacturer's stated maximum amount, as demonstrated by the actual operation of the unit.

(Source: Added at 18 Ill. Reg. 15744, effective October 7, 1994.)

Section 211.6355 Stationary Gas Turbine

"Stationary gas turbine" means any simple cycle gas turbine, regenerative cycle gas turbine or any gas turbine portion of a combined cycle steam/electric generating system that is not self propelled. It may, however, be mounted on wheels for portability.

(Source: Added at 18 Ill. Reg. 15744, effective October 7, 1994.)

Section 211.6360 Stationary Reciprocating Internal Combustion Engine

"Stationary reciprocating internal combustion engine" means any internal combustion engine, except a gas turbine, that is not self-propelled. It may, however, be mounted on wheels for portability.

(Source: Added at 18 Ill. Reg. 15744, effective October 7, 1994.)

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1) Heading of the Part: Permits and General Provisions

2) Code Citation: 35 Ill. Adm. Code 201

3) Section Numbers: Adopted Action:

201.101 Amended  
201.166 Renumbered  
201.167 Renumbered  
201.168 Renumbered, Amended  
201.207 Renumbered, New  
201.208 New Section  
201.209 Renumbered, New  
201.210 Renumbered, New  
201.211 New Section  
201.212 New Section

4) Statutory Authority: 415 ILCS 5/28.5 and 39.5 (1994)

5) Effective Date of Amendments: October 17, 1994

6) Does this rulemaking contain an automatic repeal date? No

If so, please specify the date:

7) Do these amendments contain incorporations by reference? No

8) Date filed in Board's principal office: Order adopted on October 6, 1994.

9) Notice of Proposal Published in Illinois Register:

June 3, 1994, 18 Ill. Reg. 8347

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version:

Section 201.101 deleted "hereinafter" and replaced "35 Ill. Adm. Code Subtitle B, Chapter I (Chapter)," with "this Part"  
In source notes for Sections 201.166, 201.167 and 201.168 deleted "Section 201.166", "Section 201.167", "Section 201.168" and capitalized "Renumbered"  
In Section 201.209(a)(1)(A) replaced "are" with "is"  
In Section 201.210(a)(4) corrected spelling of "liquefied" and deleted the comma after "refuse"  
In Section 201.210(a)(10) add "material" after "any" and "a" after "as"  
In Section 201.210(a)(17) added "glycerin," after "waxes,"  
In Section 201.210(b)(12) made "rest room" one word, added a comma after facilities, changed "cleanup" to "clean-up"

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In Section 201.210(b)(14) and (15) replaced the final period with a semicolon (;)  
 In Section 201.210(b)(21) deleted the period after "et"  
 In Section 201.210(b)(23) deleted the period after "source"  
 In Section 201.210(b)(24) made "air craft" one word  
 In Section 201.211(a)(1) replaced "that" with "than"

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?  
 Yes, and JCAR's verbal recommendations have been incorporated into the text.

13) Will these amendments replace an emergency rule currently in effect? No

14) Are there any other amendments pending on this Part? No.

15) Summary and Purpose of Amendments:

These proposed amendments are required by Section 28.5 of the Environmental Protection Act and define insignificant activities and emission levels for purposes of the Clean Air Act Permit Program ("CAAPP"). A CAAPP application is not required to address insignificant activities and emission levels in the same level of detail as other activities at a CAAPP source.

A more detailed description is contained in the Board's opinion of October 6, 1994, in R94-14, which Opinion is available from the address below.

16) Information and questions regarding this adopted amendment shall be directed to:

Diane F. O'Neill  
 Attorney  
 Illinois Pollution Control Board  
 100 W. Randolph 11-500  
 Chicago, IL 60601  
 312-814-6062

The full text of the adopted amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION  
 SUBTITLE B: AIR POLLUTION  
 CHAPTER I: POLLUTION CONTROL BOARD  
 SUBCHAPTER a: PERMITS AND GENERAL PROVISIONS

PART 201  
 PERMITS AND GENERAL PROVISIONS

## SUBPART A: DEFINITIONS

Section  
 201.101 Other Definitions  
 201.102 Definitions  
 201.103 Abbreviations and Units  
 201.104 Incorporations by Reference

## SUBPART B: GENERAL PROVISIONS

Section  
 201.121 Existence of Permit No Defense  
 201.122 Proof of Emissions  
 201.123 Burden of Persuasion Regarding Exceptions  
 201.124 Annual Report  
 201.125 Severability  
 201.126 Repealer

## SUBPART C: PROHIBITIONS

Section  
 201.141 Prohibition of Air Pollution  
 201.142 Construction Permit Required  
 201.143 Operating Permits for New Sources  
 201.144 Operating Permits for Existing Sources  
 201.146 Exemptions from Permit Requirement  
 201.147 Former Permits  
 201.148 Operation Without Compliance Program and Project Completion Schedule  
 201.149 Operation During Malfunction, Breakdown or Startups  
 201.150 Circumvention  
 201.151 Design of Effluent Exhaust Systems

## SUBPART D: PERMIT APPLICATIONS AND REVIEW PROCESS

Section  
 201.152 Contents of Application for Construction Permit  
 201.153 Incomplete Applications  
 201.154 Signatures  
 201.155 Standards for Issuance  
 201.156 Conditions  
 201.157 Contents of Application for Operating Permit



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201.158 Incomplete Applications  
 201.159 Signatures  
 201.160 Standards for Issuance  
 201.161 Conditions  
 201.162 Duration  
 201.163 Joint Construction and Operating Permits  
 201.164 Design Criteria  
 201.165 Hearings  
~~201.207~~201.166 Revocation  
~~201.209~~201.167 Revisions to Permits  
~~201.210~~201.168 Appeals from Conditions

SUBPART E: SPECIAL PROVISIONS FOR OPERATING  
 PERMITS FOR CERTAIN SMALLER SOURCES

Section  
 201.180 Applicability  
 201.181 Expiration and Renewal  
 201.187 Requirement for a Revised Permit

SUBPART F: ~~RENEWAL~~-~~REVOCATION~~-~~REVISION~~-~~AND~~-~~APPEAL~~ CAAPP PERMITS

Section  
 201.207 ~~Revocation~~ Applicability  
 201.208 Supplemental Information  
 201.209 ~~Revisions-to-Permits~~ Emissions of Hazardous Air Pollutants  
 201.210 ~~Appeals-from-Conditions~~ Categories of Insignificant Activities or Emission Levels  
 201.211 Application for Classification as an Insignificant Activity  
 201.212 Revisions to Lists of Insignificant Activities or Emission Levels

## SUBPART H: COMPLIANCE PROGRAMS AND PROJECT COMPLETION SCHEDULES

Section  
 201.241 Contents of Compliance Program  
 201.242 Contents of Project Completion Schedule  
 201.243 Standards for Approval  
 201.244 Revisions  
 201.245 Effects of Approval  
 201.246 Records and Reports  
 201.247 Submission and Approval Dates

## SUBPART I: MALFUNCTIONS, BREAKDOWNS OR STARTUPS

Section  
 201.261 Contents of Request for Permission to Operate During a Malfunction, Breakdown or Startup  
 201.262 Standards for Granting Permission to Operate During a Malfunction,

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201.263 Breakdown or Startup  
 201.264 Records and Reports  
 201.265 Continued Operation or Startup Prior to Granting of Operating Permit Effect of Granting of Permission to Operate During a Malfunction, Breakdown or Startup

## SUBPART J: MONITORING AND TESTING

Section  
 201.281 Permit Monitoring Equipment Requirements  
 201.282 Testing  
 201.283 Records and Reports

## SUBPART K: RECORDS AND REPORTS

Section  
 201.301 Records  
 201.302 Reports

## SUBPART L: CONTINUOUS MONITORING

Section  
 201.401 Continuous Monitoring Requirements  
 201.402 Alternative Monitoring  
 201.403 Exempt Sources  
 201.404 Monitoring System Malfunction  
 201.405 Excess Emission Reporting  
 201.406 Data Reduction  
 201.407 Retention of Information  
 201.408 Compliance Schedules

APPENDIX A Rule into Section Table  
 APPENDIX B Section into Rule Table  
 APPENDIX C Past Compliance Dates

AUTHORITY: Implementing Sections 10, 39, and 39.5 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/10, 27, 39, and 39.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Part I: General Provisions, in R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13579; amended in R82-1 (Docket A) at 10 Ill. Reg. 12628, effective July 7, 1986; amended in R87-38 at 13 Ill. Reg. 2066, effective February 3, 1989; amended in R89-7(A) at 13 Ill. Reg. 19444, effective December 5, 1989; amended in R89-7(B) at 15 Ill. Reg. 17710, effective November 26, 1991; amended in R93-11 at 17 Ill. Reg. 21483, effective December 7, 1993; amended in R94-14 at 18 Ill. Reg. 15760, effective December 7, 1994.



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applicable requirement for the pollutant.

- b) Notwithstanding the above, pursuant to Section 39.5(5)(g) of the Act, the Agency may require an applicant to submit specific information for an emission unit concerning emissions of an air pollutant listed as hazardous pursuant to Section 112(b) of the Clean Air Act.

(Source: Former Section 201.209 renumbered to Section 201.167, new Section 201.209 added at 18 Ill. Reg. **15760**, effective **01/17/1994**)

### Section 201.210 Categories of Insignificant Activities or Emission Levels

- a) The owner or operator of a CAAPP source, pursuant to 35 Ill. Adm. Code 270, shall submit to the Agency within its CAAPP application a list of the following activities or emission levels:

1) Any emission unit determined to be an insignificant activity by the Agency pursuant to Section 201.211 of this Part;

2) Emission units with emissions that never exceed 0.1 lbs/hr of any regulated air pollutant in the absence of air pollution control equipment and that do not emit any air pollutant listed as hazardous pursuant to Section 112(b) of the Clean Air Act;

3) Emission units with emissions that never exceed 0.44 tons/year of any regulated air pollutant in the absence of air pollution control equipment and that do not emit any air pollutant listed as hazardous pursuant to Section 112(b) of the Clean Air Act;

4) Direct combustion units designed and used for comfort heating purposes and fuel combustion emission units as follows:

A) Units with a rated heat input capacity of less than 2.5 mmBtu/hr that fire only natural gas, propane or liquefied petroleum gas;

B) Units with a rated heat input capacity of less than 1.0 mmBtu/hr that fire only oil or oil in combination with only natural gas, propane, or liquefied petroleum gas;

C) Units with a rated capacity of less than 200,000 Btu/hr which never burn refuse or treated or chemically contaminated wood;

5) Extruders used for the extrusion of metals, minerals, plastics, rubber, or wood, excluding extruders used in the manufacture of polymers, provided that volatile organic materials or class I or II substances subject to the requirements of Title VI of the Clean Air Act are not used as foaming agents or release agents or were not used as foaming agents in the case of extruders processing scrap material;

6) Furnaces used for melting metals other than beryllium with a brim full capacity of less than 450 cubic inches by volume;

7) Equipment used for the melting or application of less than 50,000 lbs/yr of wax to which no organic solvent has been added;

8) Equipment used for filling drums, pails or other packaging containers, excluding aerosol cans, with soaps, detergents,

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surfactants, lubricating oils, waxes, vegetable oils, greases, animal fats, glycerin, sweeteners, corn syrup, aqueous salt solutions, or aqueous caustic solutions;

9) Equipment used for the mixing and blending of materials at ambient temperature to make water based adhesives provided each material contains less than 5% organic solvent by weight;

10) Storage tanks of organic liquids with a capacity of less than 10,000 gallons and an annual throughput of less than 100,000 gallons provided the tank is not used for the storage of gasoline or any material listed as a hazardous air pollutant pursuant to Section 112(b) of the Clean Air Act;

11) Storage tanks of virgin or refined distillate oil, hydrocarbon condensate from natural gas pipeline or storage systems, lubricating oil, or residual fuel oils;

12) Die casting machines where a metal or plastic is formed under pressure in a die;

13) Coating operations (excluding powder, architectural and industrial maintenance coating) with aggregate VOM usage that never exceeds 15 lbs/day from all coating lines at the source, including VOM from coating, diluents, and cleaning materials;

14) Printing operations with aggregate organic solvent usage that never exceeds 750 gallons per year from all printing lines at the source, including organic solvent from inks, diluents, fountain solutions, and cleaning materials;

15) Gas turbines and stationary reciprocating internal combustion engines of less than 112 kW (150 horsepower) power output;

16) Gas turbines and stationary reciprocating internal combustion engines of between 1118 and 112 kW (1500 and 150 horsepower) power output that are emergency or standby units;

17) Storage tanks of any size containing exclusively soaps, detergents, surfactants, waxes, glycerin, vegetable oils, greases, animal fats, sweetener, corn syrup, aqueous salt solutions, or aqueous caustic solutions provided an organic solvent has not been mixed with such materials; and

18) Loading and unloading systems for railcars, tank trucks, or watercraft that handle only the following liquid materials provided an organic solvent has not been mixed with such materials: soaps, detergents, surfactants, lubricating oils, waxes, glycerin, vegetable oils, greases, animal fats, sweetener, corn syrup, aqueous salt solutions, or aqueous caustic solutions.

b) The owner or operator of a CAAPP source is not required to individually list the following activities in a CAAPP application pursuant to 35 Ill. Adm. Code 270. The applicant shall denote whether any of the following activities are present at the source in its CAAPP application:

1) Air conditioning or ventilating equipment not designed to remove air contaminants generated by or released from associated equipment;

2) Photographic process equipment by which an image is reproduced



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- upon material sensitized to radiant energy;
- 3) Equipment used for hydraulic or hydrostatic testing;
  - 4) General vehicle maintenance and servicing activities at the source, other than gasoline fuel handling;
  - 5) Cafeterias, kitchens, and other facilities used for preparing food or beverages primarily for consumption at the source;
  - 6) Equipment using water, water and soap or detergent, or a suspension of abrasives in water for purposes of cleaning or finishing provided no organic solvent has been added to the water;
  - 7) Administrative activities including, but not limited to, paper shredding, copying, photographic activities, and blueprinting machines. This does not include incinerators;
  - 8) Laundry dryers, extractors, and tumblers processing clothing, bedding, and other fabric items used at the source that have been cleaned with water solutions of bleach or detergents provided that any organic solvent present in such items before processing that is retained from clean-up operations shall be addressed as part of the VOM emissions from use of cleaning materials;
  - 9) Housekeeping activities for cleaning purposes, including collecting spilled or accumulated materials at the source, including operation of fixed vacuum cleaning systems specifically for such purposes, but not including use of cleaning materials that contain organic solvent;
  - 10) Refrigeration systems, including storage tanks used in refrigeration systems, but excluding any combustion equipment associated with such systems;
  - 11) Bench scale laboratory equipment and laboratory equipment used exclusively for chemical and physical analysis, including associated laboratory fume hoods, vacuum producing devices and control devices installed primarily to address potential accidental releases;
  - 12) Restroom facilities, and associated clean-up operations, and stacks or vents used to prevent the escape of sewer gases through plumbing traps;
  - 13) Activities associated with the construction, on-site repair, maintenance or dismantlement of buildings, utility lines, pipelines, wells, excavations, earthworks and other structures that do not constitute emission units;
  - 14) Storage tanks of organic liquids with a capacity of less than 500 gallons, provided the tank is not used for storage of any material listed as a hazardous air pollutant pursuant to Section 112(b) of the Clean Air Act;
  - 15) Piping and storage systems for natural gas, propane, and liquefied petroleum gas;
  - 16) Water treatment or storage systems, as follows:
    - A) Systems for potable water or boiler feedwater;
    - B) Systems, including cooling towers, for process water provided that such water has not been in direct or indirect

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- contact with process streams that contain volatile organic material or materials listed as hazardous air pollutants pursuant to Section 112(b) of the Clean Air Act;
- 17) Lawn care, landscape maintenance, and groundskeeping activities;
  - 18) Containers, reservoirs, or tanks used exclusively in dipping operations to coat objects with oils, waxes, or greases, provided no organic solvent has been mixed with such materials;
  - 19) Cold cleaning degreasers that are not in-line cleaning machines, where the vapor pressure of the solvents used never exceed 2kPa (15 mmHg or 0.3 psi) measured at 38°C (100°F) or 0.7 kPa (5 mmHg or 0.1 psi) at 20°C (68°F);
  - 20) Manually operated equipment used for buffing, polishing, carving, cutting, grinding, machining, routing, sanding, sawing, scarfing, surface grinding or turning;
  - 21) Use of consumer products, including hazardous substances as that term is defined in the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.), where the product is used at a source in the same manner as normal consumer use;
  - 22) Activities directly used in the diagnosis and treatment of disease, injury or other medical condition;
  - 23) Firefighting activities and training in preparation for fighting fires conducted at the source (Note: Open burning permits may be required for certain training activities);
  - 24) Internal combustion engine or boiler (including the fuel system) of motor vehicles, locomotives, aircraft, watercraft, lifttrucks, and other vehicles powered by nonroad engines;
  - 25) Activities associated with the construction, repair or maintenance of roads or other paved or open areas, including operation of street sweepers, vacuum trucks, spray trucks and other vehicles related to the control of fugitive emissions of such roads or other areas;
  - 26) Storage and handling of drums or other transportable containers where the containers are sealed during storage and handling;
  - 27) Individual points of emission or activities as follows:
    - A) Individual flanges, valves, pump seals, pressure relief valves, and other individual components that have the potential for leaks;
    - B) Individual sampling points, analyzers, and process instrumentation, whose operation may result in emissions;
    - C) Individual features of an emission unit such as each burner and sootblowers in a boiler or each use of cleaning materials on a coating or printing line;
    - D) Individual equipment that is transportable or activities within a facility established for testing units prior to sale or distribution or for purposes of research; and
    - E) Individual equipment or activities within a pilot plant facility that is used for research or training;
- (Note: Notwithstanding the foregoing, such points of emissions or activities shall be addressed in a CAAPP application in

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sufficient detail to identify applicable requirements and demonstrate compliance with such requirements. Emission data for such activities shall be addressed in the aggregate for each emission unit or group of related emission units).

- 28) Activities at a source associated with the modification only or construction only of a facility, an emission unit or other equipment at the source; and
- (Note: Notwithstanding the status of this activity as insignificant, a particular activity that entails modification or construction of an emission unit or construction of air pollution control equipment may require a construction permit pursuant to Section 201.142 of this Part and may subsequently require a revised CAAPP permit. A revised CAAPP permit may also be necessary for operation of an emission unit after completion of a particular activity if the existing CAAPP permit does not accommodate the new state of the emission unit.)

- 29) Activities at a source associated with the maintenance, repair, or dismantlement of an emission unit or other equipment installed at the source, not including the shutdown of the unit or equipment, including preparation for maintenance, repair or dismantlement, and preparation for subsequent startup, including preparation of a shutdown vessel for entry, replacement of insulation, welding and cutting, and steam purging of a vessel prior to startup.

(Source: Former Section 201.210 renumbered to Section 201.168, new Section 201.210 added at 18 Ill. Reg. 15760, effective Oct 17 1994)

## Section 201.211 Application for Classification as an Insignificant Activity

- a) An owner or operator of a CAAPP source may propose to the Agency in its CAAPP application that an emission unit at the source be treated as an insignificant activity consistent with Section 201.210 of this Part, provided the emission unit meets the following criteria and the owner or operator provides the information required in subsection (b) below regarding the emission unit:

- 1) The emission unit would not emit more than 1.0 lb/hr of any regulated air pollutant not listed as hazardous pursuant to Section 112(b) of the Clean Air Act in the absence of air pollution control equipment;
  - 2) The emission unit would not emit more than 0.1 lb/hr of any regulated air pollutant that is listed as hazardous pursuant to Section 112(b) of the Clean Air Act in the absence of air pollution control equipment; and
  - 3) The emission unit is not a process unit.
- b) The owner or operator of such emission unit shall include the following information in its CAAPP application:
- 1) A description of the emission unit including the function and

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expected operating schedule of the unit;

2) A description of any air pollution control equipment or control measures associated with the emission unit;

3) The emissions of regulated air pollutants in lb/hr and ton/yr;

4) The means by which emissions were determined or estimated;

5) The estimated number of such emission units at the source; and

6) Other information upon which the applicant relies to support treatment of such emission unit as an insignificant activity.

c) The Agency shall determine whether such emission unit may be treated as an insignificant activity considering factors including, but not limited to, the following:

- 1) The amount and nature of emissions;
- 2) The basis by which emissions were determined;
- 3) The expected consistency and reliability of operation of the emission unit;
- 4) The operating schedule or intended use of the emission unit;
- 5) The air pollution control equipment or control measures applied to the emission unit;
- 6) The nature of applicable requirements;
- 7) The environmental impact of such emission unit; and
- 8) The potential benefits to the environment if the emission unit were not treated as an insignificant activity.

d) Unless the Agency notifies the applicant in writing that the emission unit cannot be treated as an insignificant activity following the Agency's determination in subsection (c) above, the emission unit shall be deemed an insignificant activity for purposes of Section 201.210(a) of this Part. If the Agency determines that an emission unit cannot be treated as an insignificant activity pursuant to this Section, the Agency shall notify the owner or operator in writing and request that such owner or operator submit the information required in a CAAPP application pursuant to Agency procedures regarding the emission unit within a reasonable time frame. The owner or operator shall submit the requested information to the Agency within the time frame stated in the request.

(Source: Added at 18 Ill. Reg. 15760, effective Oct 17 1994)

## Section 201.212 Revisions to Lists of Insignificant Activities or Emission Levels

- a) The owner or operator of a CAAPP source is not required to notify the Agency of additional insignificant activities present at the source of a type that were previously listed in its CAAPP application pursuant to Section 201.210(a) or 201.211 of this Part, until its renewal CAAPP application is submitted.
- b) The owner or operator of a CAAPP source seeking to add a new insignificant activity of a type provided under Section 201.210(a) or 201.211 of this Part that was not previously listed in its CAAPP

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application must notify the Agency pursuant to Section 39.5(12)(b) of the Act.

- c) The owner or operator of a CAAPP source is not required to notify the Agency of additional insignificant activities present at the source of a type that were previously listed in its CAAPP application pursuant to Section 201.210(b) of this Part or any new insignificant activities of a type provided under Section 201.210(b) of this Part that were not previously listed in its CAAPP application, until its renewal CAAPP application is submitted.

(Source: Added at 18 Ill. Reg. 15760, effective October 7, 1994)

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- 1) Heading of the Part: Aid to Families with Dependent Children
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Number: Adopted Action:  
112.82  
Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 12-13) [305 ILCS 5/Art. 12-13]
- 5) Effective Date of Amendments: October 17, 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: October 17, 1994
- 9) Notice of Proposal Published in Illinois Register: May 13, 1994 (18 Ill. Reg. 7208)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: The following changes have been made to the text of the proposed amendments:
  1. The text of Section 112.82 which was used as a base for these proposed amendments did not include amendments which were adopted at 18 Ill. Reg. 10774, June 27, 1994. Project Chance references were changed to JOBS when those amendments were adopted. The text of the proposed amendments have been updated to reflect the June 27, 1994 adoption.
  2. The ILCS cite in the AUTHORITY was changed from "[305 ILCS 5/Arts. 4-1 and 12-13]" to "[305 ILCS 5/Arts. IV and 12-13]".
  3. Section 112.82(d) has been changed to read as follows:
    - d) Student financial assistance received under Title IV of the Higher Education Act (20 USC 1070 et seq. and 20 USC 1087uu), including but not limited to Federal Pell Grants, Supplemental Educational Opportunity Grants, Byrd Scholarship Honors Program Grants, State Student Incentive Grants, Federal Stafford Loans, Supplemental Loans for Students, Perkins Loans, College Work Study and PLUS Loans, shall be exempt when determining eligibility or need for supportive services under the JOBS program (Sections 112.70 through 112.83), or the amount of such supportive services, except as follows. The Department shall not issue payment for the amount of supportive service needs (other



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search activities to meet the particular needs of the individual and family.

AFDC participants involved in JOBS are eligible to receive supportive service payments to enable them to participate in the program. As part of the initial assessment process, individuals and JOBS staff work together to identify any supportive service needs required to enable them to participate in JOBS and meet the objectives of their employment plan. JOBS participation is not required if supportive services are needed for effective participation but are unavailable from the Department and other reasonably accessible sources.

The following supportive services may be provided to participants in JOBS components or activities:

- . child care;
- . initial employment expenses;
- . transportation;
- . required books, fees, supplies; and
- . required physical examinations and medical services (e.g., TB test).

In accordance with Title IV of the Higher Education Act, 20 USC Sections 1070-99 (and 20 USC Section 1087uu in particular) and the Title IV-A Child Care Action Transmittal dated July 16, 1993, issued by the Administration for Children and Families, U. S. Department of Human Services, CC-ACF-AJ-93-3, this rulemaking exempts student financial assistance when determining eligibility and need for supportive services under JOBS. The action transmittal indicates that, when a State IV-A agency determines the JOBS, child care benefits and other supportive services for AFDC students in educational programs, it cannot take into consideration any of the financial assistance the student receives under Title IV of the Higher Education Act or under Bureau of Indian Affairs student assistance programs, with the exception that the IV-A agency cannot duplicate services that can be identified as having been already provided by those programs. These amendments were proposed to insure that the Department not issue payment for the amount of supportive service needs (other than child care) which have been or will be met by the educational institution applying the student's financial assistance to meet those supportive service needs.

On February 25, 1994, amendments to Section 112.82 were published at 18 Ill. Reg. 2753 to change "Project Chance" references to "JOBS".

16) Information and questions regarding these Adopted Amendments shall be directed to:

than child care) which the Department is able to conclusively determine have been or will be met from such portion of a student's financial assistance grant as is not disbursed to the student but rather is retained by the educational institution and applied to the cost of a specific educational expense otherwise payable as a supportive service under the JOBS program. Such exception shall not apply to the student's loan proceeds, which may never be taken into account in determining the need or eligibility of any student for supportive services, or the amount of such supportive services, under the JOBS program. Nor shall such exception apply if the educational institution intermingles student grant and loan proceeds and the Department is unable to conclusively determine the portion of solely grant proceeds that is not disbursed to the student but rather is retained by the educational institution and applied to the cost of a specific educational expense otherwise payable as a supportive service under the JOBS program.

4. In Section 112.82 (e)(7), "Initial Employment Expense" has been changed to "Initial Employment Expenses".

No other changes have been made to the text of the proposed amendments.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
112.70	Amendment	July 22, 1994 (18 Ill. Reg. 11461)
112.78	Amendment	July 22, 1994 (18 Ill. Reg. 11461)
112.110	Amendment	October 21, 1994 (18 Ill. Reg. )
112.151	Amendment	October 21, 1994 (18 Ill. Reg. )

15) Summary and Purpose of Amendments: The purpose of the Department's Job Opportunities and Basic Skills Training (JOBS) Program is to insure that needy individuals and families obtain the education, training and employment that will help them become self-sufficient and avoid long-term welfare dependency. JOBS helps participants seek employment by identifying an employment goal and developing an employability plan. JOBS focuses on enhancing the long-term employability of AFDC clients by assessing the individual capabilities of each program participant, to the greatest extent possible allowing the individual's preferences in completing the employability plan and matching the participants to a suitable activity. The plan structures educational, training and job

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The full text of the Adopted Amendments begins on the next page:

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## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
 CHAPTER I: DEPARTMENT OF PUBLIC AID  
 SUBCHAPTER b: ASSISTANCE PROGRAMS

## PART 112

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**AUTHORITY:** Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 4-1 et seq. and 12-13) [305 ILCS 5/Art. 4 and 12-13].

**SOURCE:** Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at

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5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984 for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill.

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Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 11 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 5, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16006, effective October 6, 1989; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306,

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effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13562, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 8, 1994; amended at 18 Ill. Reg. 15774, effective 001171994.

## Section 112.82 JOBS Supportive Services

- a) AFDC participants involved in JOBS are eligible to receive supportive service payments to enable them to participate in the program to the extent state resources permit and must receive supportive services if required to participate. The Department is not required to provide supportive services unless the Department requires participation.
- b) During the initial assessment, the supportive services needed by the participant which must be discussed and provided or arranged as needed include at least the following:
  - 1) transportation;
  - 2) child care;
  - 3) job search allowance;
  - 4) initial employment expenses;
  - 5) required books, fees, supplies; and
  - 6) required physical examinations and medical services (for example, e-g-7 TB test).
- c) JOBS participation shall ~~will~~ not be required if supportive services are needed for effective participation but unavailable from the



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expenses. The maximum transportation allowance is \$300 per month.

## 2) Child Care

A) If requested and required (for example, ~~e-g-r-r~~ when school is not in session), expenses for child care services shall ~~with~~ be provided to enable participants to attend Orientation and Assessment meetings and all other scheduled JOBS appointments.

B) Child care expenses are to be paid to permit participation in JOBS (see Section 112.78).

C) Maximum rates for child care have been established by the Illinois Department of Children and Family Services (DCFS) (see 89 Ill. Adm. Code 356.5(g)). The Department shall ~~with~~ allow payment of an amount not to exceed the maximum rates per child as established by DCFS.

## 3) Job Search Allowance

A) An allowance of \$20.00 a month is to be paid to individuals participating in the Job Search Component to assist in the payment of job search-related expenses.

B) An allowance of \$10.00 a month shall ~~with~~ be paid to individuals to assist in the payment of job search-related expenses if job search activities are part of another JOBS component except, if the individual is scheduled at 80 hours in the Community Work Experience component or Unemployed Parent Work Experience Component and is making five employer contacts each month, the allowance for job search-related expenses is \$5.00 a month.

4) Mandatory Fees  
Mandatory fees, including application, registration, activities, laboratory, graduation and testing fees, are provided to participants enrolled in approved education or training programs (see Section 112.78) when the mandatory fees are not covered by financial aid benefits. A maximum payment of \$300.00 per 12 month period shall ~~with~~ be provided. No payments are allowed for tuition.

## 5) Books and Supplies

Payment is allowed for books, supplies and equipment purchased in accordance with the facility's published list of required items for the particular program in which a participant is enrolled. A maximum payment of \$300.00 per 12 month period can be provided for expenses not covered by financial aid benefits.

6) Required Physical Examinations and Medical Services  
Payment is permitted for participants to obtain required physical examinations and medical services (for example, ~~e-g-r-r~~ TB test) if the costs are not otherwise provided by sources such as the employer or the training program.

## 7) Initial Employment Expenses

A) Payment may be provided for employment expenses incurred when requested within 30 calendar days from the date

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Department or some other reasonably available source. Individuals may be required to make a co-payment for Transitional Child Care (see Sections 112.400 through 112.418).

d) Student financial assistance received under Title IV of the Higher Education Act (20 USC 1070 et seq. and 20 USC 1087uu) shall be exempt when determining eligibility and need for supportive services under the JOBS program (Sections 112.70 through 112.83) except as follows. The Department shall not issue payment for the amount of supportive service needs (other than child care) which have been or will be met by the educational institution applying the student's financial assistance to meet those supportive service needs. ~~Surplus--financial aid--benefits--to--clients--from--PEBB--grants--scholarships--from--the Illinois--Student--Assistance--Commission--loans--and--ait--other scholarships--and--grants--are--considered--available--to--meet--the--education and--training--supportive--service--needs--incurred--by--clients--Financial aid--benefits--will--be--considered--available--only--if--they--are--not budgeted--against--food--stamps--Financial--aid--benefits--are--not considered--available--to--meet--child--care--costs--Surplus--financial--aid benefits--are--funds--disbursed--to--clients--after--payment--for--tuition--books--fees--and--supplies--are--deducted--from--the--client's--financial--aid award--Only--when--surplus--financial--aid--benefits--are--determined insufficient--to--meet--clients--allowable--educational--expenses--for--the academic--term--will--financial--aid--benefits--be--supplemented--by--the Department--~~

## e) Eligible Services

## 1) Transportation

A) If requested and required (for example, ~~e-g-r-r~~ a participant who does not have an automobile), expenses for transportation shall ~~with~~ be provided to enable participants to attend Orientation and Assessment meetings and all other scheduled Project Chance appointments.

B) Transportation expenses are to be paid to permit participation in JOBS, including travel necessary to locate appropriate child care.

C) Transportation expenses are to be paid to permit the participant to take a state certification examination.

D) Payment for lodging is permitted with Department approval to allow the participant to take a state certification examination. The Department's determination is based on the participant's geographical location, time required for travel, and means of available transportation from the examination site.

E) Payment for transportation is only made for expenses which, with other educational expenses, exceed the amount of the financial aid benefits.

F) Transportation payments are made at the most reasonable and most economical rate, whichever is less. If the participant's own automobile is used, 15¢ per mile shall ~~with~~ be approved, which includes all vehicle-related



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employment begins. These expenses are paid on the individual's work days during a 30 calendar day period from the date employment begins. The total amount of all Initial Employment Expenses provided shall not exceed \$400 in a 12 consecutive month period. Initial Employment Expenses used for child care are excluded from the calculation of the total amount. Payment may be made to individuals employed at least 20 hours weekly on a job that is expected to last at least 30 calendar days, or employed less than 20 hours weekly on a job that is expected to last at least 30 calendar days and total hours of employment plus component activity equal at least 20 hours per week.

## B) These expenses include:

- i) special clothing (maximum \$200);
- ii) required tools which are not provided by the employer (maximum \$200);
- iii) repairs on an automobile (maximum \$300). The following requirements are to be met before a request for payment for repair of and automobile is approved: The client has no other available and suitable form of transportation to and from employment. The client is unable to report to the employment unless the automobile is repaired. The client has a valid driver's license and has provided evidence of insurability. The automobile, when repaired, will be suitable for the purpose intended and no other obvious mechanical deficiency has been observed. The title and license of the automobile must be in the name of the client (or the client's spouse in an AFDC/AFDC-U case);
- iv) auto license plate fees;
- v) auto liability insurance at the cheapest rate but not to exceed \$150 or three months coverage, whichever is less costly;
- vi) transportation expenses at the most reasonable and most economical rate, whichever is less. If the participant's own car is used, 15¢ per mile shall be authorized. A maximum payment of \$3.00 per day shall be approved;
- vii) child care;
- viii) physical examinations prior to employment if required and not provided by the employer;
- ix) other required items related to a specific job (maximum \$300); and
- x) ~~items~~ ~~items~~ or ~~services~~ ~~services~~ purchased that will assist the individual in meeting Illinois Department of Children and Family Services' child care licensing requirements (maximum \$300.00). ~~Items~~ ~~items~~ and ~~services~~ ~~services~~ may include but are

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not limited to the purchase of fire extinguishers, smoke alarms, first aid kits and installation of a telephone.

- C) Initial employment expenses shall ~~will~~ not be authorized to purchase fire arms, pay bail bonds or traffic tickets, or pay relocation expenses so an individual can accept employment elsewhere.
- D) Also not permitted as an initial employment expense are expenses required for the self-employment of the individual except when expenses will assist the individual in becoming an Illinois Department of Children and Family Services' licensed child care provider.
- f) These allowances are exempt from consideration in determining the AFDC grant amount.
- g) Ancillary Supportive Services
  - 1) In addition to supportive service payments as specified in subsection (b) above, participants are eligible to receive the following ancillary supportive services, if needed and the service is available in the community at no cost to the Department, to enable them to participate in JOBS:
    - A) vocational rehabilitation;
    - B) emergency intervention services;
    - C) substance abuse or domestic violence programs;
    - D) life skills training activities;
    - E) family planning/sex education;
    - F) parenting skills; and
    - G) family counseling.
  - 2) Child care and transportation at the Department's established rates may be provided to enable JOBS participants to receive ancillary supportive services if they also participate in a component activity.
  - 3) Regarding emergency intervention services, JOBS staff will refer the participant to the appropriate Local Office for application under the Crisis Assistance Program (see 89 Ill. Adm. Code 116). The need for supportive services shall ~~will~~ be discussed with the participant when a review of the participant's employability plan is made.

(Source: ~~Amended~~ ~~at~~ ~~18~~ ~~Ill.~~ ~~Reg.~~ ~~15774~~, effective ~~06/17/1994~~)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part:

Intermediate Care for the Developmentally Disabled Facilities Code

2) Code Citation:

77 Ill. Adm. Code 350

3) Section Numbers:350.640  
350.3260Adopted Action:Amendments  
Amendments4) Statutory Authority:Nursing Home Care Act  
Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4151-101 et seq.  
[210 ILCS 45]5) Effective Date of Rules:

October 15, 1994

6) Does this Rulemaking Contain an Automatic Repeal Date? No

If "yes," please specify date:

7) Does this Rulemaking Contain Any Incorporations By Reference? No8) Date Filed in Agency's Principal Office:

October 15, 1994

9) Date Notice(s) of Proposal was Published in Illinois Register:

March 25, 1994 - 18 Ill. Reg. 4904

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? No

If "yes," please complete the following:

A) Statement of Objection: , Ill. Reg.B) Agency Response: , Ill. Reg.C) Date Agency Response Submitted for Approval to the Joint Committee:11) Difference Between Proposal and Final Version:

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The following changes were made in response to comments received during the first notice or public comment period:

No changes were made during the first notice period

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

1. To delete ", AS NOW OR HEREAFTER AMENDED" from the fourth line of Section 350.640(a)(2) and ", AS AMENDED" from the fourth and fifth lines of Section 350.640(a)(4).

2. To underline "to the resident" in the first line of Section 350.640(n)(1) after "provided" and strike out "to the resident" after "institutions" in line two of Section 350.640(n)(1).

3. To delete the comma after "Life Care Facilities Act" in Section 350.640(t), as it is not adopted language.

4. To delete the "1" in the ILCS citation in Section 350.640(t) as it is not adopted language.

5. To change the Section 300.3260 heading to 350.3260 in the text of the rulemaking.

6. To include a comma after "OPERATIONS" in the seventh line of Section 350.3260, as adopted language.

7. To change the citation of the end of Section 350.3260(e) to state: "(Section 2-201(4) of the Act)," as adopted language.

8. To underline the comma after "PUNISH" in the second line of Section 350.3260(f) and to delete the underline from the period in the fifth line.

9. To modify Section 350.3260(f)(3) when this rulemaking is adopted to include the date that these amendments become effective.

10. To include "SUCH REQUEST, TO PAY THE RESIDENT HIS ALLOWANCE, OR TO MAKE ANY" after "MAKE" and before "OTHER" in the fifth line of Section 350.3260(g).

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

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The Department has made all the changes to which it agreed with the Joint Committee.

13) Will the Rules Replace an Emergency Rule Currently in Effect? No

14) Are there any other Amendments Pending on this Part? Yes

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
350.200	Amendments	18 Ill. Reg. 11714
350.270	Amendments	18 Ill. Reg. 11714
350.330	Amendments	18 Ill. Reg. 11714
350.1080	New Section	18 Ill. Reg. 11714
350.1082	New Section	18 Ill. Reg. 11714
350.1084	New Section	18 Ill. Reg. 11714
350.1086	New Section	18 Ill. Reg. 11714
350.1220	Amendments	18 Ill. Reg. 11714
350.1420	Amendments	18 Ill. Reg. 11714
350.3750	Amendments	18 Ill. Reg. 11714
350.3760	Amendments	18 Ill. Reg. 11714
350.Appendix E	New Section	18 Ill. Reg. 11714

15) Summary and Purpose of Rules:

The rules in Part 350 govern the licensure of intermediate care facilities for the developmentally disabled, in accordance with the requirements of the Nursing Home Care Act.

Section 350.640 - The Section concerning the contract between the resident and the facility is being amended to add language from Public Act 88-154 (House Bill 275), effective July 28, 1993. The language states: "No prior notice of termination of the contract shall be required, however, in the case of a resident's death."

Section 350.3260 - The Section concerning Resident's Rights is being amended to reflect a statutory change. Public Act 87-1122 (effective September 16, 1992) amended Section 2-201 of the Nursing Home Care Act to change the requirements for securing residents' funds. The new language requires a facility to either purchase a surety bond or otherwise provide assurance satisfactory to the Departments of Public Health and Insurance that all residents' personal funds deposited with the facility are secure against loss, theft, and insolvency. Additional language indicates how the assurance of the security of residents' funds is to be provided. Statutory language is also added to subsection (b) to reflect an amendment to the Nursing Home Care Act.

16) Information and Questions regarding this Adopted Rulemaking shall be

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directed to:

Ms. Gail Devito, Division of Governmental Affairs, Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted Amendments begins on the next page:



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TITLE 77: PUBLIC HEALTH  
 CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
 SUBCHAPTER C: LONG-TERM CARE FACILITIES

## PART 350

## INTERMEDIATE CARE FOR THE DEVELOPMENTALLY DISABLED FACILITIES CODE

## SUBPART A: GENERAL PROVISIONS

Section	
350.110	General Requirements
350.120	Application for License
350.130	Licensee
350.140	Issuance of an Initial License for a New Facility
350.150	Issuance of an Initial License Due to a Change of Ownership
350.160	Issuance of a Renewal License
350.165	Criteria for Adverse License Actions
350.170	Denial of Initial License
350.175	Denial of Renewal of License
350.180	Revocation of License
350.190	Experimental Program Conflicting With Requirements
350.200	Inspections, Surveys, Evaluations and Consultation
350.210	Filing an Annual Attested Financial Statement
350.220	Information to Be Made Available to the Public By the Department
350.230	Information to Be Made Available to the Public By the Licensee
350.240	Municipal Licensing
350.250	Ownership Disclosure
350.260	Issuance of Conditional Licenses
350.270	Monitor and Receivership
350.271	Presentation of Findings
350.272	Determination to Issue a Notice of Violation or Administrative Warning
350.274	Determination of the Level of a Violation
350.276	Notice of Violation
350.277	Administrative Warning
350.278	Plans of Correction
350.280	Reports of Correction
350.282	Conditions for Assessment of Penalties
350.284	Calculation of Penalties
350.286	Determination to Assess Penalties
350.288	Reduction or Waiver of Penalties
350.290	Quarterly List of Violators
350.300	Alcoholism Treatment Programs In Long-Term Care Facilities
350.310	Department May Survey Facilities Formerly Licensed
350.320	Waivers
350.330	Definitions
350.340	Incorporated and Referenced Materials

## SUBPART B: ADMINISTRATION

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Section  
 350.510

Administrator

## SUBPART C: POLICIES

Section	
350.610	Management Policies
350.620	Resident Care Policies
350.630	Admission and Discharge Policies
350.640	Contract Between Resident and Facility
350.650	Residents' Advisory Council
350.660	General Policies
350.670	Personnel Policies
350.675	Initial Health Evaluation for Employees
350.680	Developmental Disabilities Aides
350.685	Student Interns
350.690	Disaster Preparedness
350.700	Serious Incidents and Accidents

## SUBPART D: PERSONNEL

Section	
350.810	Personnel
350.820	Consultation Services
350.830	Personnel Policies

## SUBPART E: RESIDENT LIVING SERVICES

Section	
350.1010	Service Programs
350.1020	Psychological Services
350.1030	Social Services
350.1040	Speech Pathology and Audiology Services
350.1050	Recreational and Activities Services
350.1060	Training and Habilitation Services
350.1070	Training and Habilitation Staff

## SUBPART F: HEALTH SERVICES

Section	
350.1210	Health Services
350.1220	Physician Services
350.1225	Tuberculin Skin Test Procedures
350.1230	Nursing Services
350.1235	Life-Sustaining Treatments
350.1240	Dental Services
350.1250	Physical and Occupational Therapy Services

## SUBPART G: MEDICATIONS

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Section  
 350.1410 Medication Policies and Procedures  
 350.1420 Conformance with Physician's Orders  
 350.1430 Administration of Medication  
 350.1440 Labeling and Storage  
 350.1450 Control of Narcotics and Legend Drugs

## SUBPART H: RESIDENT AND FACILITY RECORDS

Section  
 350.161 Resident Record Requirements  
 350.1620 Content of Medical Records  
 350.1630 Confidentiality of Resident's Records  
 350.1640 Records Pertaining to Residents' Property  
 350.1650 Retention and Transfer of Resident Records  
 350.1660 Other Resident Record Requirements  
 350.1670 Staff Responsibility for Medical Records  
 350.1680 Retention of Facility Records  
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## SUBPART I: FOOD SERVICE

Section  
 350.1810 Director of Food Services  
 350.1820 Dietary Staff in Addition to Director of Food Services  
 350.1830 Hygiene of Dietary Staff  
 350.1840 Diet Orders  
 350.1850 Adequacy of Diet and Meal Pattern  
 350.1860 Therapeutic Diets  
 350.1870 Scheduling Meals  
 350.1880 Menu Planning  
 350.1890 Food Preparation and Service  
 350.1900 Food Handling Sanitation  
 350.1910 Kitchen Equipment, Utensils, and Supplies

## SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

Section  
 350.2010 Maintenance  
 350.2020 Housekeeping  
 350.2030 Laundry Services

## SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section  
 350.2210 Furnishings  
 350.2220 Equipment and Supplies

## SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

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Section  
 350.2410 Codes  
 350.2420 Water Supply  
 350.2430 Sewage Disposal  
 350.2440 Plumbing

## SUBPART M: CONSTRUCTION STANDARDS FOR NEW INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Section  
 350.2610 Applicability of These Standards  
 350.2620 Codes and Standards  
 350.2630 Preparation of Drawings and Specifications  
 350.2640 Site  
 350.2650 Administration and Public Areas  
 350.2660 Nursing Unit  
 350.2670 Dining, Living, Activities Rooms  
 350.2680 Therapy and Personal Care  
 350.2690 Service Departments  
 350.2700 General Building Requirements  
 350.2710 Structural  
 350.2720 Mechanical Systems  
 350.2730 Plumbing Systems  
 350.2740 Electrical Systems

## SUBPART N: CONSTRUCTION STANDARDS FOR EXISTING INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Section  
 350.2910 Applicability  
 350.2920 Codes and Standards  
 350.2930 Preparation of Drawings and Specifications  
 350.2940 Site  
 350.2950 Administration and Public Areas  
 350.2960 Nursing Unit  
 350.2970 Living, Dining, Activities Rooms  
 350.2980 Treatment and Personal Care  
 350.2990 Service Departments  
 350.3000 General Building Requirements  
 350.3010 Structural  
 350.3020 Mechanical Systems  
 350.3030 Plumbing Systems  
 350.3040 Electrical Requirements

## SUBPART O: RESIDENT'S RIGHTS

Section  
 350.3210 General  
 350.3220 Medical and Personal Care Program

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## 350.3230 Restraints

350.3240 Abuse and Neglect

350.3250 Communication and Visitation

350.3260 Residents' Funds

350.3270 Residents' Advisory Council

350.3280 Contract With Facility

350.3290 Private Right of Action

350.3300 Transfer or Discharge

350.3310 Complaint Procedures

350.3320 Confidentiality

350.3330 Facility Implementation

SUBPART P: SPECIAL STANDARDS FOR INTERMEDIATE CARE FACILITIES  
FOR THE DEVELOPMENTALLY DISABLED OF 16 BEDS OR LESS

## Section

350.3710 Applicability of Other Provisions of this Part

350.3720 Administration

350.3730 Admission and Discharge Policies

350.3740 Personnel

350.3750 Consultation Services and Nursing Services

350.3760 Medication Policies

350.3770 Food Services

350.3780 Codes and Standards

350.3790 Administration and Public Areas

350.3800 Bedrooms

350.3810 Nurses Station

350.3820 Bath and Toilet Rooms

350.3830 Utility Rooms

350.3840 Living, Dining, Activity Rooms

350.3850 Therapy and Personal Care

350.3860 Kitchen

350.3870 Laundry Room

350.3880 General Building Requirements

350.3890 Corridors

350.3900 Special Care Room

350.3910 Exit Facilities and Subdivision of Floor Areas

350.3920 Stairways, Vertical Openings and Doorways

350.3930 Hazardous Areas and Combustible Storage

350.3940 Mechanical Systems

350.3950 Heating, Cooling, and Ventilating Systems

350.3960 Plumbing Systems

350.3970 Electrical Systems

350.3980 Fire Alarm and Detection System

350.3990 Emergency Electrical System

350.4000 Fire Protection

350.4010 Construction Types

350.4020 Equivalencies

350.4030 New Construction Requirements

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## SUBPART Q: DAY CARE PROGRAMS

## Section

350.4210 Day Care in Long-Term Care Facilities

## APPENDIX A

Classification of Distinct Part of a Facility for Different

Levels of Service (Repealed)

## APPENDIX B

Federal Requirements Regarding Residents' Rights

## APPENDIX C

Seismic Zone Map

## APPENDIX D

Forms for Day Care in Long-Term Care Facilities

## TABLE A

Sound Transmission Limitations in New Intermediate Care Facilities

for the Developmentally Disabled

## TABLE B

Pressure Relationships and Ventilation Rate of Certain Area for

the New Intermediate Care Facilities for the Developmentally

Disabled

## TABLE C

Construction Types and Sprinkler Requirements for Existing

Intermediate Care Facilities for the Developmentally Disabled

Food Service Sanitation Rules and Regulations, 77 Ill. Adm. Code

750, 1983 Applicable for New Intermediate Care Facilities for the

Developmentally Disabled at Sixteen (16) Beds or Less

## TABLE E

Construction Types and Sprinkler Requirements for New Intermediate

Care Facilities for the Developmentally Disabled of Sixteen (16)

Beds or Less

## TABLE F

Disaster Preparedness Parameters - Relative Humidity and

Temperature.

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev.

Stat. 1991, ch. 111, § 2, par. 4(a)-(d) et seq.) 110 ILCS 111.

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 495, effective March 1,

1980, for a maximum of 150 days; amended at 4 Ill. Reg. 30, p. 1, effective

July 28, 1980; amended at 5 Ill. Reg. 1657, effective February 4, 1981; amended

at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6453,

effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982;

amended at 6 Ill. Reg. 14544, effective November 8, 1982; amended at 6 Ill.

Reg. 14675, effective November 15, 1982; amended at 6 Ill. Reg. 15556,

effective December 15, 1982; amended at 7 Ill. Reg. 278, effective December 22,

1982; amended at 7 Ill. Reg. 1919 and 1945, effective January 28, 1983; amended

at 7 Ill. Reg. 7963, effective July 1, 1983; amended at 7 Ill. Reg. 15817,

effective November 15, 1983; amended at 7 Ill. Reg. 16984, effective December

14, 1983; amended at 8 Ill. Reg. 15574 and 15578 and 15581, effective August

15, 1984; amended at 8 Ill. Reg. 15935, effective August 17, 1984; amended at 8

Ill. Reg. 16980, effective September 5, 1984; codified at 8 Ill. Reg. 19806;

amended at 8 Ill. Reg. 24214, effective November 29, 1984; amended at 8 Ill.

Reg. 24680, effective December 7, 1984; amended at 9 Ill. Reg. 142, effective

December 26, 1984; amended at 9 Ill. Reg. 331, effective December 28, 1984;

amended at 9 Ill. Reg. 2964, effective February 25, 1985; amended at 9 Ill.

Reg. 10876, effective July 1, 1985; amended at 11 Ill. Reg. 14795, effective

October 1, 1987; amended at 11 Ill. Reg. 16830, effective October 1, 1987;



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amended at 12 Ill. Reg. 979, effective December 24, 1987; amended at 12 Ill. Reg. 16838, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18705, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6040, effective April 17, 1989; amended at 13 Ill. Reg. 19451, effective December 1, 1989; amended at 14 Ill. Reg. 14876, effective October 1, 1990; amended at 15 Ill. Reg. 466, effective January 1, 1991; amended at 16 Ill. Reg. 594, effective January 1, 1992; amended at 16 Ill. Reg. 13910, effective September 1, 1992; amended at 17 Ill. Reg. 2351, effective February 10, 1993; emergency amendment at 17 Ill. Reg. 2373, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 7948, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; emergency amendment at 17 Ill. Reg. 9105, effective June 7, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 15056, effective September 3, 1993; amended at 17 Ill. Reg. 16153, effective January 1, 1994; amended at 17 Ill. Reg. 19210, effective October 26, 1993; amended at 17 Ill. Reg. 19517, effective November 4, 1993; amended at 17 Ill. Reg. 21017, effective November 20, 1993; amended at 18 Ill. Reg. 1432, effective January 14, 1994; amended at 18 Ill. Reg. 15789, effective OCT 15 1994.

## SUBPART C: POLICIES

## Section 340.640 Contract Between Resident and Facility

## a) Contract Execution

1) Before a person is admitted to a facility, or at the expiration of the period of previous contract, or when the source of payment for the resident's care changes from private to public funds or from public to private funds, a written contract shall be executed between a licensee and the following in order of priority:

- A) The person, or if the person is a minor, his parent or guardian; or
- B) The person's guardian, if any, or agent, if any, as defined in Section ~~11a-23-of-the-Probate-Act-of-1975-as-now-or hereafter-amended~~, 2-3 of the Illinois Power of Attorney Act; or
- C) A member of the person's immediate family. (Section 2-202(a) of the Act)
- 2) An adult person shall be presumed to have the capacity to contract for admission to a long-term care facility unless he has been adjudicated a "disabled person" within the meaning of Section 11a-2 of the Probate Act of 1975, or unless a petition for such an adjudication is pending in a circuit court of Illinois. (Section 2-202(a) of the Act)
- 3) If there is no guardian, agent or member of the person's immediate family available, able or willing to execute the contract required by Section 2-202 of the Act and a physician determines that a person is so disabled as to be unable to

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consent to placement in a facility, or if a person has already been found to be a "disabled person," but no order has been entered allowing residential placement of the person, that person may be admitted to a facility before the execution of a contract required by that Section; provided that a petition for guardianship or for modification of guardianship is filed within 15 days of the person's admission to a facility, and provided further that such a contract is executed within ten days of the disposition of the petition. (Section 2-202(a) of the Act)

4) No adult shall be admitted to a facility if he objects, orally or in writing, to such admission, except as otherwise provided in Chapters III and IV of the Mental Health and Developmental Disabilities Code, or Section 11a-14.1 of the Probate Act of 1975. (Section 2-202(a) of the Act)

5) If on the effective date of this Part, a person has not executed a contract as required by Section 2-202 of the Act, then such a contract shall be executed by, or on behalf of, the person, within ten days of the effective date of this Part, unless a petition has been filed for guardianship or modification of guardianship. If a petition for guardianship or modification of guardianship has been filed, and there is no guardian, agent or member of the person's immediate family available, able, or willing to execute the contract at that time, then a contract shall be executed within ten days of the disposition of such petition.

- b) The contract shall be clearly and unambiguously entitled, "Contract Between Resident and (name of facility)."
- c) Before a licensee (any facility licensed under the Act) enters a contract under Section 2-202 of the Act, it shall provide the prospective resident and his guardian, if any, with written notice of the licensee's policy regarding discharge of a resident whose private funds for payment of care are exhausted. (Section 2-202(a) of the Act)
- d) A resident shall not be discharged or transferred at the expiration of the term of a contract, except as provided in Sections 3-401 through 3-423 of the Act. (Section 2-202(b) of the Act)
- e) At the time of the resident's admission to the facility, a copy of the contract shall be given to the resident, his guardian, if any, and any other person who executed the contract. (Section 2-202(c) of the Act)
- f) The contract shall be signed by the licensee or his agent. "The title of each person signing the contract for the facility shall be clearly indicated next to each such signature. The nursing home administrator may sign as the agent of the licensee."
- g) The contract shall be signed by, or for, the resident, as described in subsection (a) of this Section. If any person other than the principal signatory is to be held individually responsible for payments due under the contract, that person shall also sign the contract on a separate signature line labelled "signature of responsible party" or "signature of guarantor."
- h) The contract shall include a definition of "responsible party" or

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"guarantor," which describes in full the liability incurred by any such person.

i) A copy of the contract for a resident who is supported by nonpublic funds other than the resident's own funds shall be made available to the person providing the funds for the resident's support. (Section 2-202(d) of the Act)

j) The original or a copy of the contract shall be maintained in the facility and be made available upon request to representatives of the Department and the Department of Public Aid. (Section 2-202(e) of the Act)

k) The contract shall be written in clear and unambiguous language and shall be printed in not less than 12 point type. (Section 2-202(f) of the Act)

l) The contract shall specify the term of the contract. (Section 2-202(g)(1) of the Act) The term can be until a certain date or event. If a certain date is specified in the contract, an addendum can extend the term of the contract to another date certain or on a month-to-month basis.

m) The contract shall specify the services to be provided under the contract and the charges for the services. (Section 2-202(g)(2) of the Act) A paragraph shall itemize the services and products to be provided by the facility and express the costs of the itemized services and products to be provided either in terms of a daily, weekly, monthly or yearly rate, or in terms of a single fee. The contract may provide that the charges for services may be changed with thirty (30) days advance written notice to the resident or the person executing the contract on behalf of the resident. The resident or the person executing the contract on behalf of the resident may either assent to the change or choose to terminate the contract at any time within 30 days of the receipt of the written notice of the change. The written notice shall become an addendum to the contract.

n) The contract shall specify the services that may be provided to supplement the contract and the charges for the services. (Section 2-202(g)(3) of the Act)

l) A paragraph shall itemize all services and products offered by the facility or related institutions which are not covered by the rate or fee established in subsection (m) of this Section. If a separate rate or fee for any such supplemental service or product can be calculated with definiteness at the time the contract is executed, then such additional cost shall be specified in the contract.

2) If the cost of any itemized service or product to be provided to the resident by the facility or related institutions ~~to the resident~~ cannot be established or predicted with definiteness at the time of the resident's admission to the facility or at the time of the execution of the contract, then no cost for that service or product need be stated in the contract. But the contract shall include a statement explaining the resident's liability for such itemized service or product and explaining

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that the resident will be receiving a bill for such itemized service or product beyond and in addition to any rate or fee set forth in the contract.

3) The contract may provide that the charges for services and products not covered by the rate or fee established in subsection ~~++~~ (m) may be changed with thirty (30) days advance written notice to the resident or the person executing the contract on behalf of the resident. The resident or the person executing the contract on behalf of the resident may either assent to the change or choose to terminate the contract at any time within 30 days of the receipt of the written notice of the change. The written notice shall become an addendum to the contract.

o) The contract shall specify the sources liable for payments under the contract. (Section 2-202(g)(4) of the Act)

p) Deposit Provisions

1) The contract shall specify the amount of deposit paid. (Section 2-202(g)(5) of the Act)

2) Such amount shall be expressed in terms of a precise number of dollars and be clearly designated as a deposit. The contract shall specify when such deposit shall be paid by the resident, and the contract shall specify when such deposit shall be returned by the facility. The contract shall specify the conditions (if any) which must be satisfied by the resident before the facility shall return the deposit. Upon the satisfaction of all such conditions, the deposit shall be returned to the resident. If the deposit is nonrefundable, the contract shall provide express notice of such nonrefundability.

q) The contract shall specify the rights, duties and obligations of the resident, except that the specification of a resident's rights may be furnished on a separate document which complies with the requirements of Section 2-211 of the Act. (Section 2-202(g)(6) of the Act)

r) The contract shall designate the name of the resident's representative, if any. The resident shall provide the facility with a copy of the written agreement between the resident and the resident's representative which authorizes the resident's representative to inspect and copy the resident's records and authorizes the resident's representative to execute the contract on behalf of the resident required by Section 2-202 of the Act. (Section 2-202(h) of the Act)

s) The contract shall provide that if the resident is compelled by a change in physical or mental health to leave the facility, the contract and all obligations under it shall terminate on seven days notice. No prior notice of termination of the contract shall be required, however, in the case of a resident's death. The contract ~~it~~ shall also provide that in all other situations, a resident may terminate the contract and all obligations under it with 30 days notice. All charges shall be prorated as of the date on which the contract terminates, and, if any payments have been made in advance, the excess shall be refunded to the resident. This provision shall not



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apply to life-care contracts through which a facility agrees to provide maintenance and care for a resident throughout the remainder of the resident's life nor to continuing-care contracts through which a facility agrees to supplement all available forms of financial support in providing maintenance and care for a resident throughout the remainder of the resident's life. (Section 2-202(i) of the Act)

t) All facilities which offer to provide a resident with nursing services, medical services or personal care services, in addition to maintenance services, conditioned upon the transfer of an entrance fee to the provider of such services in addition to or in lieu of the payment of regular periodic charges for the care and services involved, for a term in excess of one year or for life pursuant to a life care contract, shall meet all of the provisions of the Life Care Facilities Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4160-1 et seq.) [210 ILCS 40], including the obtaining of a permit from the Department, before they may enter into such contracts. (Section 2(c) of the Life Care Facilities Act)

u) In addition to all other contract specifications contained in this Section, admission contracts shall also specify:

- 1) whether the facility accepts Medicaid clients;
- 2) whether the facility requires a deposit of the resident or his family prior to the establishment of Medicaid eligibility;
- 3) in the event that a deposit is required, a clear and concise statement of the procedure to be followed for the return of such deposit to the resident or the appropriate family member or guardian of the person;
- 4) that all deposits made to a facility by a resident, or on behalf of a resident, shall be returned by the facility within 30 days of the establishment of Medicaid eligibility, unless such deposits must be drawn upon or encumbered in accordance with Medicaid eligibility requirements established by the Illinois Department of Public Aid. (Section 2-202(j) of the Act)
- v) It shall be a business offense for a facility to knowingly and intentionally both retain a resident's deposit and accept Medicaid payments on behalf of the resident. (Section 2-202(k) of the Act)

(Source: Amended at 18 Ill. Reg. 15789, effective 01/15/1994)

## SUBPART O: RESIDENT'S RIGHTS

## Section 350.3260 Resident's Funds

a) A resident shall be permitted to manage his own financial affairs unless he or his guardian or if the resident is a minor, his parent, authorizes the administrator of the facility in writing to manage such resident's financial affairs under ~~subsections (b) through (e) of this Section~~ subsections (b) through (o) of this Section. (Section 2-102 of the Act)

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- b) The facility shall at the time of admission, provide, in order of priority, each resident, or the resident's guardian, if any, or the resident's representative, if any, or the resident's immediate family member, if any, with a written statement explaining to the resident and the resident's spouse their spousal impoverishment rights as defined at Section 5-4 of the Illinois Public Aid Code, and at Section 303 of Title III of the Medicare Catastrophic Coverage Act of 1988 (P.L. 100-360), and the resident's rights regarding personal funds and listing the services for which the resident will be charged--~~and~~. The facility shall obtain a signed acknowledgement from each resident or the resident's guardian, if any, or the resident's representative, if any, or the resident's immediate family member, if any, that such person has received the statement. (Section 2-101(l) of the Act)
- c) The facility may accept funds from a resident for safekeeping and managing, if it receives written authorization from, in order of priority, the resident or the resident's guardian, if any, or the resident's representative, if any, or the resident's immediate family member, if any; such authorization shall be attested to by a witness who has no pecuniary interest in the facility or its operations, and who is not connected in any way to facility personnel or the administrator in any manner whatsoever. (Section 2-101(2) of the Act)
- d) The facility shall maintain and allow, in order of priority, each resident or the resident's guardian, if any, or the resident's representative, if any, or the resident's immediate family member, if any, access to a written record of all financial arrangements and transactions involving the individual resident's funds. (Section 2-101(3) of the Act)
- e) The facility shall provide, in order of priority, each resident, or the resident's guardian, if any, or the resident's representative, if any, or the resident's immediate family member, if any, with a written itemized statement at least quarterly, of all financial transactions involving the resident's funds. (Section 2-101(4) of the Act)
- f) The facility shall purchase a surety bond ~~to guarantee the security of resident's funds~~, or otherwise provide assurance satisfactory to the Departments of Public Health and Insurance that all residents' personal funds deposited with the facility are secure against loss, theft, and insolvency. (Section 2-101(5) of the Act)
- 1) If a surety bond is secured, it must be issued by a company licensed to do business in Illinois, the amount of bond must be equal to or greater than all resident funds managed by the facility, and the obligee named in the bond must be the Illinois Department of Public Health or its assignees.
  - 2) If an alternative to a surety bond is secured, the alternative must provide a protection equivalent to that afforded by a surety bond. To be acceptable, the alternative must have a person(s) or entity(ies) designated who can collect in case of loss (e.g., guaranties, the Department). The alternative must also provide a guarantee that lost funds will be repaid. The guarantee may be



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made either by an independent entity (e.g., a bank) or the facility. If the facility provides the guarantee, it must be backed by facility money at least equal to resident funds. This money must be reserved solely for the purpose of assuring the security of resident funds. Two examples of acceptable alternatives to surety bonds are letters of credit and self-insurance. Both surety bonds and alternatives must protect the full amount of residents' funds deposited with the facility.

- 3) Any alternative to a surety bond shall be submitted to the Department for review and approval. Alternatives that meet the requirements of this Section and were in place prior to October 1, 1994, must be submitted to the Department for review and approval within 120 days after October 1, 1994.
- g) The facility shall keep any funds received from a resident for safekeeping in an account separate from the facility's funds, and shall at no time withdraw any part or all of such funds for any purpose other than to return the funds to the resident upon the request of the resident or any other person entitled to make such request, to pay the resident his allowance, or to make any other payment authorized by the resident or any other person entitled to make such authorization. (Section 2-101(6) of the Act)
- h) The facility shall deposit any funds received from a resident in excess of \$100 in an interest bearing account insured by agencies of, or corporations chartered by, the State or federal government. The account shall be in a form which clearly indicates that the facility has only a fiduciary interest in the funds and any interest from the account shall accrue to the resident. (Section 2-101(7) of the Act)
- i) The facility may keep up to \$100 of a resident's money in a non-interest bearing account or petty cash fund, to be readily available for the resident's current expenditures. (Section 2-101(7) of the Act)
- j) The facility shall return to the resident, or the person who executed the written authorization required in subsection (c) of this Section, upon written request, all or any part of the resident's funds given to the facility for safekeeping, including the interest accrued from deposits. (Section 2-101(8) of the Act)
- k) The facility shall place any monthly allowance to which a resident is entitled in that resident's personal account, or give it to the resident, unless the facility has written authorization from the resident or the resident's guardian, or if the resident is a minor, his parent, to handle it differently. (Section 2-101(9) of the Act)
- l) Unless otherwise provided by State law, the facility shall upon the death of a resident provide the executor or administrator of the resident's estate with a complete accounting of all the resident's personal property, including any funds of the resident being held by the facility. (Section 2-101(10) of the Act)
- m) If an adult resident is incapable of managing his funds and does not have a resident's representative, guardian, or an immediate family member the facility shall notify the Office of the State Guardian of

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- n) the Guardianship and Advocacy Commission. (Section 2-101(11) of the Act)
- o) If the facility is sold, the seller shall provide the buyer with a written verification by a public accountant of all residents' monies and properties being transferred, and obtain a signed receipt from the new owner. (Section 2-101(12) of the Act)
- p) The facility shall take all steps necessary to ensure that a personal needs allowance that is placed in a resident's personal account is used exclusively by the resident or for the benefit of the resident. Where such funds are withdrawn from the resident's personal account by any person other than the resident, the facility shall require such person to whom funds constituting any part of a resident's personal needs allowance are released to execute an affidavit that such funds shall be used exclusively for the benefit of the resident. (Section 2-201(9)(b) of the Act)- "Personal needs allowance," for the purposes of this subsection, refers to the monthly allowance allotted by the Illinois Department of Public Aid to public aid recipients.

(Source: Amended at 18 Ill. Reg. 15789, effective OCT 15 1994)

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1) Heading of the Part:

Long-Term Care for Under Age 22 Facilities Code

2) Code Citation:

77 Ill. Adm. Code 390

3) Section Numbers:

390.640  
390.3260

Adopted Action:

Amendments  
Amendments

4) Statutory Authority:

Nursing Home Care Act  
Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4151-101 et seq.  
[210 ILCS 45]

5) Effective Date of Rules:

October 15, 1994

6) Does this Rulemaking Contain an Automatic Repeal Date? No

If "yes," please specify date:

7) Does this Rulemaking Contain Any Incorporations By Reference? No8) Date Filed in Agency's Principal Office:

October 15, 1994

9) Date Notice(s) of Proposal was Published in Illinois Register:

March 25, 1994 - 18 Ill. Reg. 4924

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to these Rules? No

If "yes," please complete the following:

A) Statement of Objection: , Ill. Reg.

B) Agency Response: , Ill. Reg.

C) Date Agency Response Submitted for Approval to the Joint Committee:

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11) Difference Between Proposal and Final Version:

The following changes were made in response to comments received during the first notice or public comment period:

No changes were made during the first notice period.

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

1. In the Register copy to include "SUBPART C: POLICIES" above the text in Section 390.640.

2. To delete "AS NOW OR HEREAFTER AMENDED" from Section 390.640(a)(1)(B) and (a)(2), as it is not adopted language.

3. To delete "AS AMENDED" in the fourth and fifth line of Section 390.640(a)(4), as it is not adopted language.

4. To delete the comma after "Late Date Facilities Act" in Section 390.640(f), as it is not adopted language.

5. To delete the "1" in the ILCS citation in Section 390.640(t) as it is not adopted language.

6. To change the Section 300.3260 heading to 390.3260 in the text of the rulemaking.

7. To delete the semicolon in the tenth line after "CHARGED" in Section 390.3260(b) and include a comma as adopted language.

8. To include a comma after "OPERATIONS" in the seventh line in Section 390.3260(c) as adopted language.

9. To change the citation of the end of Section 390.3260(e) to state: "(Section 2-201(4) of the Act)", as adopted language.

10. To underline the comma after "PARTS" in the second line of Section 390.3260(f) and to delete the comma under the line in the fifth line.

11. To include "SUCH REQUEST, TO PAY THE RESIDENT HIS ALLOWANCE, OR TO MAKE ANY" after "MAKE" and before "OTHER" in the fifth line of Section 390.3260(g).

12. To modify Section 390.3260(f)(3) when this rulemaking is adopted to include the date that these amendments become effective.

In addition, various typographical, grammatical and form changes were made

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in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

- 13) Will the Rules Replace an Emergency Rule Currently in Effect? No

- 14) Are there any other Amendments Pending on this Part? Yes

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
390.200	Amendments	18 Ill. Reg. 11771
390.270	Amendments	18 Ill. Reg. 11771
390.330	Amendments	18 Ill. Reg. 11771
390.1040	Amendments	18 Ill. Reg. 11771
390.1310	Amendments	18 Ill. Reg. 11771
390.1312	New Section	18 Ill. Reg. 11771
390.1314	New Section	18 Ill. Reg. 11771
390.1316	New Section	18 Ill. Reg. 11771
390.1320	Amendments	18 Ill. Reg. 11771
390.1330	Repealer	18 Ill. Reg. 11771
390.1420	Amendments	18 Ill. Reg. 11771
390.Appendix C	New Section	18 Ill. Reg. 11771

- 15) Summary and Purpose of Rules:

The rules in Part 390 govern the licensure of long-term care facilities for persons under age 22 in accordance with the requirements of the Nursing Home Care Act.

Section 390.640 - The Section concerning the contract between the resident and the facility is being amended to add language from Public Act 88-154 (House Bill 275), effective July 28, 1993. The language states: "No prior notice of termination of the contract shall be required, however, in the case of a resident's death."

Section 390.3260 - The Section concerning Resident's Rights is being amended to reflect a statutory change. Public Act 87-1122 (effective September 16, 1992) amended Section 2-201 of the Nursing Home Care Act to change the requirements for securing residents' funds. The new language requires a facility to either purchase a surety bond or otherwise provide assurance satisfactory to the Departments of Public Health and Insurance

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that all residents' personal funds deposited with the facility are secure against loss, theft, and insolvency. Additional language indicates how the assurance of the security of residents' funds is to be provided. Statutory language is also added to subsection (b) to reflect an amendment to the Nursing Home Care Act.

- 16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Ms. Gail DeVito, Division of Governmental Affairs, Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted Amendments begins on the next page:



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TITLE 77: PUBLIC HEALTH  
 CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
 SUBCHAPTER c: LONG-TERM CARE FACILITIES

## PART 390

## LONG-TERM CARE FOR UNDER AGE 22 FACILITIES CODE

## SUBPART A: GENERAL PROVISIONS

Section	
390.110	General Requirements
390.120	Application for License
390.130	Licenses
390.140	Issuance of an Initial License for a New Facility
390.150	Issuance of an Initial License Due to a Change of Ownership
390.160	Issuance of a Renewal License
390.165	Criteria for Adverse License Actions
390.170	Denial of Initial License
390.175	Denial of Renewal of License
390.180	Revocation of License
390.190	Experimental Program Conflicting With Requirements
390.200	Inspections, Surveys, Evaluations and Consultation
390.210	Filing an Annual Attested Financial Statement
390.220	Information to be Made Available to the Public by the Department
390.230	Information to be Made Available to the Public By the Licensee
390.240	Municipal Licensing
390.250	Ownership Disclosure
390.260	Issuance of Conditional Licenses
390.270	Monitor and Receivership
390.271	Presentation of Findings
390.272	Determination to Issue a Notice of Violation or Administrative Warning
390.274	Determination of the Level of a Violation
390.276	Notice of Violation
390.277	Administrative Warning
390.278	Plans of Correction
390.280	Reports of Correction
390.282	Conditions for Assessment of Penalties
390.284	Calculation of Penalties
390.286	Determination to Assess Penalties
390.288	Reduction or Waiver of Penalties
390.290	Quarterly List of Violators
390.300	Alcoholism Treatment Programs in Long-Term Care Facilities
390.310	Department May Survey Facilities Formerly Licensed
390.320	Waivers
390.330	Definitions
390.340	Incorporated and Referenced Materials

## SUBPART B: ADMINISTRATION

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Section	
390.500	Administrator

## SUBPART C: POLICIES

Section	
390.610	Management Policies
390.620	Resident Care Policies
390.630	Admission and Discharge Policies
390.640	Contract Between Resident and Facility
390.650	Residents' Advisory Council
390.660	General Policies
390.670	Personnel Policies
390.675	Initial Health Evaluation for Employees
390.680	Child Care/Habilitation Aides
390.685	Student Interns
390.690	Disaster Preparedness
390.700	Serious Incidents and Accidents

## SUBPART D: PERSONNEL

Section	
390.810	General
390.820	Categories of Personnel
390.830	Consultation Services

## SUBPART E: HEALTH AND DEVELOPMENTAL SERVICES

Section	
390.1010	Service Programs
390.1020	Medical Services
390.1025	Life-Sustaining Treatments
390.1030	Physician Services
390.1035	Tuberculin Skin Test Procedures
390.1040	Nursing Services
390.1050	Dental Care Services
390.1060	Physical and Occupational Therapy Services
390.1070	Psychological Services
390.1080	Social Services
390.1090	Speech Pathology and Audiology Services
390.1100	Recreational and Activity Services
390.1110	Educational Services
390.1120	Work Activity and Prevocational Training Services

SUBPART F: RESTRAINTS AND SAFETY DEVICES, BEHAVIOR MANAGEMENT,  
 AND BEHAVIOR EMERGENCIES

Section	
390.1310	Restraints and Safety Devices

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390.1320 Behavior Management  
390.1330 Behavior Emergencies

## SUBPART G: MEDICATIONS

Section  
390.1410 Medication Policies and Procedures  
390.1420 Conformance with Physician's Orders  
390.1430 Administration of Medication  
390.1440 Labeling and Storage of Medications  
390.1450 Control of Narcotics and Legend Drugs

## SUBPART H: RESIDENT AND FACILITY RECORDS

Section  
390.1610 Resident Record Requirements  
390.1620 Content of Medical Records  
390.1630 Confidentiality of Resident's Records  
390.1640 Records Pertaining to Residents' Property  
390.1650 Retention and Transfer of Resident Records  
390.1660 Other Resident Record Requirements  
390.1670 Staff Responsibility for Medical Records  
390.1680 Retention of Facility Records  
390.1690 Other Facility Record Requirements

## SUBPART I: FOOD SERVICE

Section  
390.1810 Director of Food Services  
390.1820 Dietary Staff in Addition to Director of Food Services  
390.1830 Hygiene of Dietary Staff  
390.1840 Diet Orders  
390.1850 Adequacy of Diet and Meal Pattern  
390.1860 Infant and Therapeutic Diets  
390.1870 Scheduling Meals  
390.1880 Menu Planning  
390.1890 Food Preparation and Service  
390.1900 Preparation of Infant Formula  
390.1910 Food Handling Sanitation  
390.1920 Kitchen Equipment, Utensils, and Supplies

## SUBPART J: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

Section  
390.2010 Maintenance  
390.2020 Housekeeping  
390.2030 Laundry Services

## SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

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Section  
390.2210 Furnishings  
390.2220 Equipment and Supplies  
390.2230 Sterilization of Supplies and Equipment

## SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

Section  
390.2410 Codes  
390.2420 Water Supply  
390.2430 Sewage Disposal  
390.2440 Plumbing

## SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW FACILITIES

Section  
390.2610 Applicability of these Standards  
390.2620 Codes and Standards  
390.2630 Preparation of Drawings and Specifications  
390.2640 Site  
390.2650 Administration and Public Areas  
390.2660 Nursing Unit  
390.2670 Dining, Play, Activity/Program Rooms  
390.2680 Therapy and Personal Care  
390.2690 Service Departments  
390.2700 General Building Requirements  
390.2710 Structural  
390.2720 Mechanical Systems  
390.2730 Plumbing Systems  
390.2740 Electrical Systems

## SUBPART N: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING FACILITIES

Section  
390.2910 Applicability  
390.2920 Codes and Standards  
390.2930 Preparation of Drawings and Specifications  
390.2940 Site  
390.2950 Administration and Public Areas  
390.2960 Nursing Unit  
390.2970 Play, Dining, Activity/Program Rooms  
390.2980 Treatment and Personal Care  
390.2990 Service Department  
390.3000 General Building Requirements  
390.3010 Structural  
390.3020 Mechanical Systems  
390.3030 Plumbing Systems  
390.3040 Electrical Requirements

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## SUBPART O: RESIDENT'S RIGHTS

Section	General
390.3210	Medical and Personal Care Program
390.3220	Restraints
390.3230	Abuse and Neglect
390.3240	Communication and Visitation
390.3250	Resident's Funds
390.3260	Residents' Advisory Council
390.3270	Contract With Facility
390.3280	Private Right of Action
390.3290	Transfer or Discharge
390.3300	Complaint Procedures
390.3310	Confidentiality
390.3320	Facility Implementation
390.3330	

## SUBPART P: DAY CARE PROGRAMS

Section	Day Care in Long-Term Care Facilities
390.3510	

## APPENDIX A Interpretation and Illustrative Services for Long-Term Care

## Facility for Residents Under 22 Years of Age

## Forms for Day Care in Long-Term Care Facilities

## TABLE A Infant Feeding

## TABLE B Daily Nutritional Requirements By Age Group

## TABLE C Sound Transmissions Limitations

## TABLE D Pressure Relationships and Ventilation Rates of Certain Areas for New Long-Term Care Facilities for Persons Under Twenty-Two (22) Years of Age

## TABLE E Sprinkler Requirements

## TABLE F Disaster Preparedness Parameters - Relative Humidity and Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4151-101 et seq.) [210 ILCS 45].

SOURCE: Adopted at 6 Ill. Reg. 1658, effective February 1, 1982; emergency amendment at 6 Ill. Reg. 3223, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11622, effective September 14, 1982; amended at 6 Ill. Reg. 14557 and 14560, effective November 8, 1982; amended at 6 Ill. Reg. 14678, effective November 15, 1982; amended at 7 Ill. Reg. 282, effective December 22, 1982; amended at 7 Ill. Reg. 1927, effective January 28, 1983; amended at 7 Ill. Reg. 8574, effective July 11, 1983; amended at 7 Ill. Reg. 15821, effective November 15, 1983; amended at 7 Ill. Reg. 16988, effective December 14, 1983; amended at 8 Ill. Reg. 15585, 15589, and 15592, effective August 15, 1984; amended at 8 Ill. Reg. 16989, effective September 5, 1984; codified at 8 Ill. Reg. 19823; amended at 8 Ill. Reg. 24159, effective November

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29, 1984; amended at 8 Ill. Reg. 24656, effective December 7, 1984; amended at 8 Ill. Reg. 25083, effective December 14, 1984; amended at 9 Ill. Reg. 122, effective December 26, 1984; amended at 9 Ill. Reg. 10785, effective July 1, 1985; amended at 11 Ill. Reg. 16782, effective October 1, 1987; amended at 12 Ill. Reg. 931, effective December 24, 1987; amended at 12 Ill. Reg. 16780, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18243, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6301, effective April 17, 1989; amended at 13 Ill. Reg. 19521, effective December 1, 1989; amended at 14 Ill. Reg. 14904, effective October 1, 1990; amended at 15 Ill. Reg. 1878, effective January 25, 1991; amended at 16 Ill. Reg. 623, effective January 1, 1992; amended at 16 Ill. Reg. 14329, effective September 3, 1992; emergency amendment at 17 Ill. Reg. 2390, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 7974, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15073, effective September 3, 1993; amended at 17 Ill. Reg. 16167, effective January 1, 1994; amended at 17 Ill. Reg. 19235, effective October 26, 1993; amended at 17 Ill. Reg. 19547, effective November 4, 1993; amended at 17 Ill. Reg. 21031, effective November 20, 1993; amended at 18 Ill. Reg. 1453, effective January 14, 1994; amended at 18 Ill. Reg. 15807, effective Oct 15 1994.

## SUBPART C: POLICIES

## Section 390.640 Contract Between Resident and Facility

## a) Contract Execution

1) Before a person is admitted to a facility, or at the expiration of the period of previous contract, or when the source of payment for the resident's care changes from private to public funds or from public to private funds, a written contract shall be executed between a licensee and the following in order of priority:

- The person, or if the person is a minor, his parent or guardian; or
- The person's guardian, if any, or agent, if any, as defined in Section 11a-23-of-the-Probate-Act-of-1975; 2-3 of the Illinois Power of Attorney Act; or
- A member of the person's immediate family. (Section 2-202(a) of the Act)

2) An adult person shall be presumed to have the capacity to contract for admission to a long-term care facility unless he has been adjudicated a "disabled person" within the meaning of Section 11a-2 of the Probate Act of 1975, or unless a petition for such an adjudication is pending in a circuit court of Illinois. (Section 2-202(a) of the Act)

3) If there is no guardian, agent or member of the person's immediate family available, able or willing to execute the contract required by Section 2-202 of the Act and a physician



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determines that a person is so disabled as to be unable to consent to placement in a facility, or if a person has already been found to be a "disabled person," but no order has been entered allowing residential placement of the person, that person may be admitted to a facility before the execution of a contract required by that Section; provided that a petition for guardianship or for modification of guardianship is filed within 15 days of the person's admission to a facility, and provided further that such a contract is executed within ten days of the disposition of the petition. (Section 2-202 (a) of the Act)

4) No adult shall be admitted to a facility if he objects, orally or in writing, to such admission, except as otherwise provided in Chapters III and IV of the Mental Health and Developmental Disabilities Code or Section 11a-14.1 of the Probate Act of 1975. (Section 2-202(a) of the Act)

5) If on the effective date of this Part, a person has not executed a contract as required by Section 2-202 of the Act, then such a contract shall be executed by, or on behalf of, the person, within ten days of the effective date of this Part, unless a petition has been filed for guardianship or modification of guardianship. If a petition for guardianship or modification of guardianship has been filed, and there is no guardian, agent or member of the person's immediate family available, able, or willing to execute the contract at that time, then a contract shall be executed within ten days of the disposition of such petition.

b) The contract shall be clearly and unambiguously entitled, "Contract Between Resident and (name of facility)."

c) Before a licensee (any facility licensed under the Act) enters a contract under Section 2-202 of the Act, it shall provide the prospective resident and his guardian, if any, with written notice of the licensee's policy regarding discharge of a resident whose private funds for payment of care are exhausted. (Section 2-202(a) of the Act)

d) A resident shall not be discharged or transferred at the expiration of the term of a contract, except as provided in Sections 3-401 through 3-423 of the Act. (Section 2-202(b) of the Act)

e) At the time of the resident's admission to the facility, a copy of the contract shall be given to the resident, his guardian, if any, and any other person who executed the contract. (Section 2-202(c) of the Act)

f) The contract shall be signed by the licensee or his agent. The title of each person signing the contract for the facility shall be clearly indicated next to each such signature. The nursing home administrator may sign as the agent of the licensee.

g) The contract shall be signed by, or for, the resident, as described in subsection (a) of this Section. If any person other than the principal signatory is to be held individually responsible for payments due under the contract, that person shall also sign the

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contract on a separate signature line labelled "signature of responsible party" or "signature of guarantor."

h) The contract shall include a definition of "responsible party" or "guarantor," which describes in full the liability incurred by any such person.

i) A copy of the contract for a resident who is supported by nonpublic funds other than the resident's own funds shall be made available to the person providing the funds for the resident's support. (Section 2-202(d) of the Act)

j) The original or a copy of the contract shall be maintained in the facility and be made available upon request to representatives of the Department and the Department of Public Aid. (Section 2-202(e) of the Act)

k) The contract shall be written in clear and unambiguous language and shall be printed in not less than 12 point type. (Section 2-202(f) of the Act)

l) The contract shall specify the term of the contract. (Section 2-202(g)(1) of the Act) The term can be until a certain date or event. If a certain date is specified in the contract, an addendum can extend the term of the contract to another date certain or on a month-to-month basis.

m) Services Provided and Charges

1) The contract shall specify the services to be provided under the contract and the charges for the services. (Section 2-202(g)(2) of the Act)

2) A paragraph shall itemize the services and products to be provided by the facility and express the costs of the itemized services and products to be provided either in terms of a daily, weekly, monthly or yearly rate, or in terms of a single fee.

3) The contract may provide that the charges for services may be changed with thirty (30) days advance written notice to the resident or the person executing the contract on behalf of the resident. The resident or the person executing the contract on behalf of the resident may either assent to the change or choose to terminate the contract at any time within 30 days of the receipt of the written notice of the change. The written notice shall become an addendum to the contract.

n) The contract shall specify the services that may be provided to supplement the contract and the charges for the services. (Section 2-202(g)(3) of the Act)

1) A paragraph shall itemize all services and products offered by the facility or related institutions which are not covered by the rate or fee established in subsection (m) of this Section. If a separate rate or fee for any such supplemental service or product can be calculated with definiteness at the time the contract is executed, then such additional cost shall be specified in the contract.

2) If the cost of any itemized service or product to be provided to the resident by the facility or related institutions to the

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resident cannot be established or predicted with definiteness at the time of the resident's admission to the facility or at the time of the execution of the contract, then no cost for that service or product need be stated in the contract. But the contract shall include a statement explaining the resident's liability for such itemized service or product and explaining that the resident will be receiving a bill for such itemized service or product beyond and in addition to any rate or fee set forth in the contract.

3) The contract may provide that the charges for services and products not covered by the rate or fee established in subsection (b) [m] may be changed with thirty (30) days advance written notice to the resident or the person executing the contract on behalf of the resident. The resident or the person executing the contract on behalf of the resident may either assent to the change or choose to terminate the contract at any time within 30 days of the receipt of the written notice of the change. The written notice shall become an addendum to the contract.

o) The contract shall specify the sources liable for payments due under the contract. (Section 2-202(g)(4) of the Act)

p) Deposit Provisions

1) The contract shall specify the amount of deposit paid. (Section 2-202(g)(5) of the Act)

2) Such amount shall be expressed in terms of a precise number of dollars and be clearly designated as a deposit. The contract shall specify when such deposit shall be paid by the resident, and the contract shall specify when such deposit shall be returned by the facility. The contract shall specify the conditions (if any) which must be satisfied by the resident before the facility shall return the deposit. Upon the satisfaction of all such conditions, the deposit shall be returned to the resident. If the deposit is nonrefundable, the contract shall provide express notice of such nonrefundability. The contract shall specify the rights, duties and obligations of the resident, except that the specification of a resident's rights may be furnished on a separate document which complies with the requirements of Section 2-211 of the Act. (Section 2-202(g)(6) of the Act)

r) The contract shall designate the name of the resident's representative, if any. The resident shall provide the facility with a copy of the written agreement between the resident and the resident's representative which authorizes the resident's representative to inspect and copy the resident's records and authorizes the resident's representative to execute the contract on behalf of the resident required by Section 2-202 of the Act. (Section 2-202(h) of the Act)

s) The contract shall provide that if the resident is compelled by a change in physical or mental health to leave the facility, the contract and all obligations under it shall terminate on seven days

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notice. No prior notice of termination of the contract shall be required, however, in the case of a resident's death. The contract shall also provide that in all other situations, a resident may terminate the contract and all obligations under it with 30 days notice. All charges shall be prorated as of the date on which the contract terminates, and, if any payments have been made in advance, the excess shall be refunded to the resident. This provision shall not apply to life-care contracts through which a facility agrees to provide maintenance and care for a resident throughout the remainder of the resident's life nor to continuing-care contracts through which a facility agrees to supplement all available forms of financial support in providing maintenance and care for a resident throughout the remainder of the resident's life. (Section 2-202(i) of the Act)

t) All facilities which offer to provide a resident with nursing services, medical services or personal care services, in addition to maintenance services, conditioned upon the transfer of an entrance fee to the provider of such services in addition to or in lieu of the payment of regular periodic charges for the care and services involved, for a term in excess of one year or for life pursuant to a life care contract, shall meet all of the provisions of the Life Care Facilities Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4160-1 et seq.) [210 ILCS 40], including the obtaining of a permit from the Department, before they may enter into such contracts. (Section 2(c) of the Life Care Facilities Act)

u) In addition to all other contract specifications contained in this Section, admission contracts shall also specify:

- 1) whether the facility accepts Medicaid clients;
- 2) whether the facility requires a deposit of the resident or his family prior to the establishment of Medicaid eligibility;
- 3) in the event that a deposit is required, a clear and concise statement of the procedure to be followed for the return of such deposit to the resident or the appropriate family member or guardian of the person;
- 4) that all deposits made to a facility by a resident, or on behalf of a resident, shall be returned by the facility within 30 days of the establishment of Medicaid eligibility, unless such deposits must be drawn upon or encumbered in accordance with Medicaid eligibility requirements established by the Illinois Department of Public Aid. (Section 2-202(j) of the Act)
- v) It shall be a business offense for a facility to knowingly and intentionally both retain a resident's deposit and accept Medicaid payments on behalf of the resident. (Section 2-202(k) of the Act)

(Source: Amended at 18 Ill. Reg. 15807, effective OCT 15 1994)

SUBPART O: RESIDENT'S RIGHTS

Section 390.3260 Resident's Funds



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- a) A resident shall be permitted to manage his own financial affairs unless he or his guardian or if the resident is a minor, his parent, authorizes the administrator of the facility in writing to manage such resident's financial affairs under ~~subsections (e) through (g)~~ of ~~this Section~~ subsections (b) through (o) of this Section. (Section 2-102 of the Act)
- b) The facility shall at the time of admission, provide, in order of priority, each resident, or the resident's guardian, if any, or the resident's representative, if any, or the resident's immediate family member, if any, with a written statement explaining to the resident and the resident's spouse their spousal impoverishment rights as defined at Section 5-4 of the Illinois Public Aid Code, and at Section 303 of Title III of the Medicare Catastrophic Coverage Act of 1988 (P.L. 100-360), and the resident's rights regarding personal funds and listing the services for which the resident will be charged, ~~and~~. The facility shall obtain a signed acknowledgement from each resident, or the resident's guardian, if any, or the resident's representative, if any, or the resident's immediate family member, if any, that such person has received the statement. (Section 2-201(1) of the Act)
- c) The facility may accept funds from a resident for safekeeping and managing, if it receives written authorization from, in order of priority, the resident or the resident's guardian, if any, or the resident's representative, if any, or the resident's immediate family member, if any; such authorization shall be attested to by a witness who has no pecuniary interest in the facility or its operations, and who is not connected in any way to facility personnel or the administrator in any manner whatsoever. (Section 2-201(2) of the Act)
- d) The facility shall maintain and allow, in order of priority, each resident or the resident's guardian, if any, or the resident's representative, if any, or the resident's immediate family member, if any, access to a written record of all financial arrangements and transactions involving the individual resident's funds. (Section 2-201(3) of the Act)
- e) The facility shall provide, in order of priority, each resident, or the resident's guardian, if any, or the resident's representative, if any, or the resident's immediate family member, if any, with a written itemized statement at least quarterly, of all financial transactions involving the resident's funds. (Section 2-201(4) of the Act)
- f) The facility shall purchase a surety bond ~~to guarantee the security of resident's funds~~, or otherwise provide assurance satisfactory to the Departments of Public Health and Insurance that all residents' personal funds deposited with the facility are secure against loss, theft, and insolvency. (Section 2-201(5) of the Act)
- 1) If a surety bond is secured, it must be issued by a company licensed to do business in Illinois, the amount of bond must be equal to or greater than all resident funds managed by the facility, and the obligee named in the bond must be the Illinois Department of Public Health or its assignees.
- 2) If an alternative to a surety bond is secured, the alternative

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- must provide a protection equivalent to that afforded by a surety bond. To be acceptable, the alternative must have a person(s) or entity(ies) designated who can collect in case of loss (e.g., residents, the Department). The alternative must also provide a guarantee that lost funds will be repaid. The guarantee may be made either by an independent entity (e.g., a bank) or the facility. If the facility provides the guarantee, it must be backed by facility money at least equal to resident funds. This money must be reserved solely for the purpose of assuring the security of resident funds. Two examples of acceptable alternatives to surety bonds are letters of credit and self-insurance. Both surety bonds and alternatives must protect the full amount of residents' funds deposited with the facility.
- 3) Any alternative to a surety bond shall be submitted to the Department for review and approval. Alternatives that meet the requirements of this Section and were in place prior to October 1, 1994, must be submitted to the Department for review and approval within 120 days after October 1, 1994.
- g) The facility shall keep any funds received from a resident for safekeeping in an account separate from the facility's funds, and shall at no time withdraw any part or all of such funds for any purpose other than to return the funds to the resident upon the request of the resident or any other person entitled to make such request, to pay the resident his allowance, or to make any other payment authorized by the resident or any other person entitled to make such authorization. (Section 2-201(6) of the Act)
- h) The facility shall deposit any funds received from a resident in excess of \$100 in an interest bearing account insured by agencies of, or corporations chartered by, the State or federal government. The account shall be in a form which clearly indicates that the facility has only a fiduciary interest in the funds and any interest from the account shall accrue to the resident. (Section 2-201(7) of the Act)
- i) The facility may keep up to \$100 of a resident's money in a non-interest bearing account or petty cash fund, to be readily available for the resident's current expenditures. (Section 2-201(7) of the Act)
- j) The facility shall return to the resident, or the person who executed the written authorization required in subsection (c) of this Section, upon written request, all or any part of the resident's funds given the facility for safekeeping, including the interest accrued from deposits. (Section 2-201(8) of the Act)
- k) The facility shall place any monthly allowance to which a resident is entitled in that resident's personal account, or give it to the resident, unless the facility has written authorization from the resident or the resident's guardian, or if the resident is a minor, his parent, to handle it differently. (Section 2-201(9) of the Act)
- l) Unless otherwise provided by State law, the facility shall upon the death of a resident provide the executor or administrator of the



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- resident's estate with a complete accounting of all the resident's personal property, including any funds of the resident being held by the facility. (Section 2-201(10) of the Act)
- m) If an adult resident is incapable of managing his funds and does not have a resident's representative, guardian, or an immediate family member the facility shall notify the Office of the State Guardian of the Guardianship and Advocacy Commission. (Section 2-201(11) of the Act)
- n) If the facility is sold, the seller shall provide the buyer with a written verification by a public accountant of all residents' monies and properties being transferred, and obtain a signed receipt from the new owner. (Section 2-201(12) of the Act)
- o) The facility shall take all steps necessary to ensure that a personal needs allowance that is placed in a resident's personal account is used exclusively by the resident or for the benefit of the resident. Where such funds are withdrawn from the resident's personal account by any person other than the resident, the facility shall require such person to whom funds constituting any part of a resident's personal needs allowance are released to execute an affidavit that such funds shall be used exclusively for the benefit of the resident. (Section 2-201(9)(b) of the Act)- "Personal needs allowance," for the purposes of this subsection, refers to the monthly allowance allotted by the Illinois Department of Public Aid to public aid recipients.

(Source: Amended at 18 Ill. Reg. 15807, effective October 15, 1994)

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- 1) Heading of the Part:  
Postsurgical Recovery Care Center Demonstration Program Code
- 2) Code Citation:  
77 Ill. Adm. Code 210
- 3) Section Numbers:  
210.1000 New Section  
210.1050 New Section  
210.1100 New Section  
210.1200 New Section  
210.1300 New Section  
210.1400 New Section  
210.1500 New Section  
210.1600 New Section  
210.1700 New Section  
210.1800 New Section  
210.1900 New Section  
210.2000 New Section  
210.2100 New Section  
210.2200 New Section  
210.2300 New Section  
210.2400 New Section  
210.2500 New Section  
210.2600 New Section  
210.2700 New Section  
210.2800 New Section  
210.2900 New Section  
210.3000 New Section
- 4) Statutory Authority:  
Alternative Health Care Delivery Act  
[210 ILCS 3]
- 5) Effective Date of Rules:  
October 15, 1994
- 6) Does this Rulemaking Contain an Automatic Repeal Date? No  
If "yes," please specify date:
- 7) Does this Rulemaking Contain Any Incorporations By Reference? No
- 8) Date Filed in Agency's Principal Office:

## DEPARTMENT OF PUBLIC HEALTH

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October 15, 1994

- 9) Date Notice(s) of Proposal was Published in Illinois Register:  
December 31, 1993 - 17 Ill. Reg. 22333
- 10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? Yes

If "yes," please complete the following:

- A) Statement of Objection: July 1, 1994, 18 Ill. Reg. 10501
- B) Agency Response: August 26, 1994, 18 Ill. Reg. 13152
- C) Date Agency Response Submitted for Approval to the Joint Committee:

August 8, 1994

11) Difference Between Proposal and Final Version:

The following changes were made in response to comments received during the first notice or public comment period:

1. The definition of Ambulatory Surgical Treatment Center in Section 210.1000 was revised to read as follows: "ANY INSTITUTION, PLACE OR BUILDING licensed pursuant to the Ambulatory Surgical Treatment Center Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 157-8.1 et seq.) [210 ILCS 5]. (Section 3 of the Ambulatory Surgical Treatment Center Act)"
2. The definition of Hospital in Section 210.1000 was revised to read as follows, "ANY INSTITUTION, PLACE, BUILDING OR AGENCY licensed pursuant to the Hospital Licensing Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 142 et seq.) [210 ILCS 85]. (Section 3 of the Hospital Licensing Act)"
3. A citation was added to the definition of "Postsurgical Recovery Care Center Model or Model" in Section 210.1000.
4. A citation was added in Section 210.1100(e).
5. In Section 210.1200(f), the phrase "FOR A PERIOD OF ONE YEAR." was capitalized. The citation "(Section 30 of the Act)" was added.
6. In Section 210.1500(f)(1), the words "appear to" were deleted.
7. In Section 210.1500(g), the word "with" in the last sentence was changed to "within".

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8. A semi-colon was added at the end of Section 210.1800(a)(2)(A).
9. In Section 210.1800(a)(2)(B) is new and reads, "patients must be three years of age or older;"
10. Section 210.1800(a)(2)(C) (the previous B) was revised to read, "patients with an active, acute or chronic infectious condition shall not be eligible for admission;"
11. A new Section 210.1800(a)(2)(D) was added which reads, "patients must fall within anesthesia class I or II but require postoperative overnight stay;"
12. The previous Section 210.1800(a)(2)(C) was relettered as (E). The word "of" in line 2 was changed to "if." The word "admitting" was changed to "treating."
13. The previous Section 210.1800(a)(2)(D) was relettered as (F). It was also revised to read: "the level of care needed by the patient is consistent with the definition of a Postsurgical Recovery Care Center Model, and hospitalization is not required;"
14. The previous Section 210.1800(a)(2)(E) was relettered (G). Before the word "and", the following was added: "that would cause the patient to be ineligible for admission based on the Act and this Part;"
15. The previous Section 210.1800(a)(2)(F) was relettered (H).
16. In Section 210.1800(a)(3) the word "evidence" was replaced with "documentation."
17. In Section 210.1900(a)(3) the following was added to the end of the first sentence: ", which include approval to perform at least the same level of services which the physician seeks to provide in the Model."
18. Citations were added in Section 210.2000(a) and (b).
19. Section 210.2300(c)(4)(C) was revised to read: "Patient transfers to a hospital shall be by a licensed ambulance service."
20. In Section 210.2400(b)(2), the language "(patients known to be infectious preoperatively or intraoperatively are not to be admitted to the model)" was deleted.
21. A citation was added in Section 210.2700(a).
22. Section 210.3000(b) was revised by adding the words "by the Board" in the fourth sentence after the word "forwarded." The sentence now

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reads, "A COPY OF THE DATA shall be forwarded by the Board TO THE ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL."

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

1. To retitle Section 210.1050 to state: "Referenced Materials".
2. To include "(ASTC)" after the definition of "Ambulatory Surgical Treatment Center" in Section 210.1000.
3. To delete "incorporated by" and state "referenced" in Section 210.1050.
4. To state "licensee" at the end of Section 210.1200(b)(7), not "license".
5. To include commas at the end of subsections (A) and (B) and a semicolon after subsection (C) in Section 210.1200(b)(8).
6. To delete the "d" from "required" in Section 210.1800(a)(2)(D).
7. To state in part: "...within 15 minutes after a request..." in Section 210.1900(c).
8. To state in part in Section 210.2000(c) "...within 30 days after the patient's discharge."
9. To move "(Section 35 of the Act)" to the end of the first sentence in Section 210.2000(c).
10. To change "surgery" to "surgical" in Sections 210.2200(a) and (c)(2).
11. To delete the comma after "and," in Section 210.2200(c)(1).
12. To change "250.760" to "250.1760" in Section 210.2400(d).
13. To modify Section 210.2600(e) to state: "This clinical data shall be submitted to the Department quarterly, with reports due no later than January 15, April 15, July 15 and October 15 for the preceding quarter."
14. To include "and" after "250.1670" in Section 210.2800(b).
15. To modify Section 210.2900(a)(1) to state in part: "meet the program narrative (see Section 250.2430(a)(4)) and" after "shall" and delete "250.2490" and state "250.2490(a-h) and (j-k)".
16. To modify Section 210.2900(b) to state in part: "meet the program

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narrative and" after "shall", change "above" to "of this Section" and change "250.2630(d)(1-5)" to state "250.2630(d)(1-4)".

17. To change the period to a semicolon at the end of Section 210.3000(a)(1)(D).

The following changes were made in response to the objections issued by the Joint Committee on Administrative Rules:

1. Section 210.1800(a)(2)(D) was revised to read, "patients must fall within anesthesia class I or II or fall within anesthesia class II with only mild to moderate systemic disease but medically stable;"
2. A new Section 210.1800(a)(2)(E) was added, which reads, "patients must require a postoperative overnight stay;"
3. The subsequent subsections were relettered, accordingly.
4. Section 210.2900(a) was redesignated Section 210.2900(a)(1). A new Section 210.2900(a) reads, "If part of a hospital:"
5. Section 210.2900(b) was redesignated Section 210.2900(a)(2).
6. A new Section 210.2900(b) was added, which reads:

"(b) If not part of a licensed hospital, postsurgical recovery care center models shall meet the program narrative and comply with:

- 1) Chapters 1-7, 12, 31 and 32 of the 1991 Edition (no later amendments or editions included) of the National Fire Protection Association (NFPA) Code for Safety to Life from Fire in Buildings and Structures (also known as "The Life Safety Code") which may be obtained from the National Fire Protection Association, Batterymarch Park, Massachusetts 02269; and

- 2) The following Sections of the Hospital Licensing Requirements: 250.2410, 250.2420, 250.2430, 250.2440(d)(1)-(4), 250.2450, 250.2460, 250.2470(a), (b), and (c)(1), (2), and (4), 250.2480, 250.2490(a)-(h), (j) and (k), and 250.2500."

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint



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## Committee.

- 13) Will the Rules Replace an Emergency Rule Currently in Effect? No
- 14) Are there any other Amendments Pending on this Part? No

If Yes:    Section Numbers    Proposed Action    Ill. Reg. Citation

15) Summary and Purpose of Rules:

These rules implement Public Act 88-441 (the Act) (SB 66, effective August 20, 1993), which amended the Alternative Health Care Delivery Act to establish the postsurgical recovery care demonstration program. The Act requires the Department to adopt rules concerning postsurgical recovery care centers.

A Postsurgical Recovery Care Center Model (Model) is a designated site that provides postsurgical recovery care for generally healthy patients undergoing surgical procedures that require overnight nursing care, pain control, or observation that would otherwise be provided in an inpatient setting. Participating facilities must have held a valid license as a hospital or ambulatory surgical treatment center on or before August 20, 1991 and have held a valid license continuously since that time. The length of a patient's stay in a Model is limited to 72 or fewer hours. Models can be no larger than 20 beds.

The Department's rules include Definitions, Referenced Materials, and a description of the Demonstration Program Elements. Application procedures, obligations and privileges of Models, and requirements for the issuance of a license are set forth, including the issuance of provisional licenses. Provisions concerning inspections and investigations, notice of violation and plan of correction, and adverse licensure action are included. The rules establish admission practices, including a nondiscrimination policy, and the requirements for limiting services provided. Requirements for standards of professional practice, length of stay, patient's rights, personnel, patient care, and infection control are established. The rules also include provisions for laboratory, pharmacy, and radiological services, including possession of a valid CLIA certificate for tests performed by the Model. Information that must be included in patient records is set forth. Transfer policies required by the Law are stated in the rules. Food service and physical plant standards are set forth. The licensee is also required to develop and implement a quality assessment and improvement program. The postsurgery recovery care center demonstration program will be reviewed annually by the State Board of Health for a period of up to five years after the adoption of the rules to determine if the program should continue operation.

- 16) Information and Questions regarding this Adopted Rulemaking shall be

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directed to:

Ms. Gail DeVito, Division of Governmental Affairs, Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted Rules begins on the next page:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED RULES

## TITLE 77: PUBLIC HEALTH

## CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

## SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

## PART 210

## POSTSURGICAL RECOVERY CARE CENTER DEMONSTRATION PROGRAM CODE

Section	
210.1000	Definitions
210.1050	Referenced Materials
210.1100	Demonstration Program Elements
210.1200	Application for and Issuance of a License to Operate a Postsurgical Recovery Care Center Model
210.1300	Obligations and Privileges of Postsurgical Recovery Care Center Models
210.1400	Inspections and Investigations
210.1500	Notice of Violation and Plan of Correction
210.1600	Adverse Licensure Action
210.1700	Admission Practices
210.1800	Approval of Protocols for the Admission of Postsurgical Patients
210.1900	Standards of Professional Practice
210.2000	Length of Stay
210.2100	Patient's Rights
210.2200	Personnel
210.2300	Patient Care
210.2400	Infection Control
210.2500	Laboratory, Pharmacy and Radiological Services
210.2600	Records and Reports
210.2700	Transfer Agreement
210.2800	Food Service
210.2900	Physical Plant
210.3000	Quality Assessment and Improvement

AUTHORITY: Implementing and authorized by the Alternative Health Care Delivery Act [210 ILCS 3].

SOURCE: Adopted at 18 Ill. Reg. 15824, effective OCT 15 1994.

## Section 210.1000 Definitions

The following terms have the meaning ascribed to them here whenever the term is used in this Part.

Act - the Alternative Health Care Delivery Act [210 ILCS 3].

Ambulatory Surgical Treatment Center (ASTC) - any institution, place or building licensed pursuant to the Ambulatory Surgical Treatment

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## NOTICE OF ADOPTED RULES

Center Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 157-8.1 et seq.) [210 ILCS 5]. (Section 3 of the Ambulatory Surgical Treatment Center Act)

Board - the State Board of Health. (Section 10 of the Act)

Charitable Care - the intentional provision of free or discounted postsurgical recovery care center services to persons who cannot afford to pay.

Comparable Health Care Providers - other facilities holding the comparable Illinois Department of Public Health license.

Demonstration Program or Program - a program to license and study alternative health care models authorized under the Act. (Section 10 of the Act)

Dentist - a person licensed to practice under the Illinois Dental Practice Act (Ill. Rev. Stat. 1991, ch. 111, pars. 2301 et seq.) [225 ILCS 25].

Department - the Illinois Department of Public Health. (Section 10 of the Act)

Dietician - a person who: is registered or eligible for registration by the American Dietetic Association; or has a baccalaureate degree with major studies in food and nutrition, dietetics, and food service management, has one year of supervisory experience in the dietetic service of a health care institution, and participates annually in continuing dietetic education.

Director - the Director of Public Health or his designee. (Section 10 of the Act)

Hospital - any institution, place, building or agency licensed pursuant to the Hospital Licensing Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 142 et seq.) [210 ILCS 85]. (Section 3 of the Hospital Licensing Act)

Inspection - any survey, evaluation, or investigation of the Postsurgical Recovery Care Center Model's compliance with the Act and this Part by the Department or designee.

Licensee - the person or entity licensed to operate the Postsurgical Recovery Care Center Model.

Medical Staff - physicians, dentists and podiatrists granted admitting

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privileges in accordance with Section 210.1900(a).

Operator - the person responsible for the control, maintenance and governance of the Model, its personnel and physical plant.

Owner - the individual, partnership, corporation, association or other person who owns the Model.

Patient's Representative - a person authorized by the patient or by law to act on behalf of the patient.

Pharmacist - a person licensed as a registered pharmacist under the Pharmacy Practice Act (Ill. Rev. Stat. 1991, ch. 111, pars. 4121 et seq.) [225 ILCS 85].

Podiatrist - a person who is licensed to practice under the Podiatric Medical Practice Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, pars. 4251 et seq.) [225 ILCS 100].

Physician - a person licensed to practice medicine in all its branches under the Medical Practice Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, pars. 4400-1 et seq.) [225 ILCS 60].

Postsurgical Recovery Care Center Model or Model - a designated site which provides postsurgical recovery care for generally healthy patients undergoing surgical procedures that require overnight nursing care, pain control, or observation that would otherwise be provided in an inpatient setting. (Section 35(2) of the Act)

Program Narrative - a description of the facility's proposed operation to clarify or explain choices related to such items as space, equipment, finishes or other specifications in the architectural plans. The program narrative shall include, but is not limited to the:

- number of beds;
- medical needs of proposed patients;
- proposed food service operation;
- proposed laundry operations; and
- interrelations of various functions.

Qualified Consulting Committee - a committee whose members are qualified physicians who establish the required standards commensurate with the size, scope, extent and complexity of service programs and procedures for which the program is licensed.

Registered Nurse - a person who is licensed as a registered professional nurse under the Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, pars. 3501 et seq.) [225 ILCS 65].

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Substantial Compliance - meeting requirements except for variance from the strict and literal performance, which results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Section 210.1200.

## Section 210.1050 Referenced Materials

The following Illinois statutes and administrative rules of the Department of Public Health are referenced in this Part.

- a) Hospital Licensing Act and Hospital Licensing Requirements (77 Ill. Adm. Code 250)
- b) Ambulatory Surgical Treatment Center Act and Ambulatory Surgical Treatment Center Licensing Requirements (77 Ill. Adm. Code 205)

## Section 210.1100 Demonstration Program Elements

a) The Postsurgical Recovery Care Center Demonstration Program (Program) shall be reviewed annually by the Board to determine if it should continue operation for a period up to five years, commencing with the effective date of this Part.

b) A Postsurgical Recovery Care Center Model shall be licensed pursuant to this Part to be considered a participant in the Program.

c) A postsurgical recovery care center Model shall be no larger than 20 beds. (Section 35 of the Act)

d) Applications for participation in the Program shall be considered only when a vacancy exists in one of the allocated program slots for the relevant geographic area.

e) At the midpoint and end of the program, the Board shall evaluate and make recommendations to the Governor and the General Assembly, through the Department, regarding the program, in accordance with Section 20(b) of the Act. (Section 20(b) of the Act)

f) The Department shall deposit all application fees, renewal fees and fines collected under the Act and this Part into the Regulatory Evaluation and Basic Enforcement Fund in the State Treasury. (Section 25(d) of the Act)

## Section 210.1200 Application for and Issuance of a License to Operate a Postsurgical Recovery Care Center Model

a) The applicant shall have been licensed as a hospital pursuant to the Hospital Licensing Act or as an ambulatory surgical treatment center pursuant to the Ambulatory Surgical Treatment Center Act on or before August 20, 1991, and have held a valid license continuously since that time.

b) Applications for a license to operate a Postsurgical Recovery Care Center Model shall be in writing on forms provided by the Department. The application shall be made under oath and shall contain the following:

- 1) Proof of a Certificate of Need to establish and operate a



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Postsurgical Recovery Care Center Model issued by the Health Facilities Planning Board under the Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 115 et seq.) [20 ILCS 3960];

- 2) The name and address of the hospital or ambulatory surgical treatment center licensee, which shall be the name of the Model licensee;
- 3) The name of the proposed Model;
- 4) The address of the proposed Model;
- 5) A precise description of the site of the proposed Model and, if it is located within the hospital or ambulatory surgical treatment center, the unit or area, including room numbers, of the portion of the facility designated as the Postsurgical Recovery Care Center Model;
- 6) The number of postsurgical recovery care beds;
- 7) The name and address of the registered agent or other individual authorized to receive Service of Process for the Model licensee;
- 8) The name, address and Illinois license numbers of the following persons:
  - A) Administrator,
  - B) Medical Director,
  - C) Supervisory Nurse;
- 9) A copy of the transfer agreement with a licensed hospital within 15 minutes travel time of the proposed Model;
- 10) Documentation of compliance with Section 210.2500, Laboratory, Pharmacy and Radiological Services;
- 11) Documentation of Compliance with Section 210.2800, Food Service;
- 12) The Model's admission protocol and transfer criteria as required by Section 210.1800;
- 13) Information regarding any conviction of the owner or operator of the proposed Model of a felony or of any other crime under the laws of any state or of the United States arising out of or in connection with the operation of a health care facility; and
- 14) Information regarding any encumbrance on a health care license issued in Illinois or any other state to the owner or operator of the proposed Model.
- c) Schematic architectural plans must be submitted for approval prior to submission of the application.
- d) An application for initial and renewal licensure shall be accompanied by an application fee of \$500 plus \$100 for each Postsurgical Recovery Care Center Model bed.
- e) Upon receipt and review of a complete application for licensure, the Department shall conduct an inspection to determine compliance with the Act and this Part.
- f) If the proposed Model is found to be in substantial compliance with the Act and this Part, the Department shall issue a license for a period of one year. (Section 30 of the Act)
  - 1) The license shall not be transferable; it is issued to the licensee and for the specific location and number of beds

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identified in the application.

- 2) The license shall become automatically void and shall be returned to the Department if the Model's hospital or ambulatory surgical treatment center license is revoked, nonrenewed or relinquished, denied, forfeited, or suspended.
- g) An application for license renewal shall be filed with the Department 90-120 days prior to the expiration of the license, on forms provided by the Department.
  - 1) The renewal application shall comply with the requirements of subsections (a), (b) and (d) of this Section; and
  - 2) Upon receipt and review of a complete application for license renewal, the Department may conduct a survey. The Department shall renew the license in accordance with subsection (f) of this Section.
- h) The Department may issue a provisional license to any Postsurgical Recovery Care Center model that does not substantially comply with the provisions of the Act and this part:
  - 1) A provisional license may be issued only if the Department finds that:
    - A) The model has undertaken changes and corrections which upon completion will render the model in substantial compliance with the Act and this Part; and
    - B) The health and safety of the patients in the Model will be protected during the period for which the provisional license is issued (Section 30(c) of the Act).
  - 2) The Department shall advise the applicant or licensee of the conditions under which the provisional license is issued, including:
    - A) The manner in which the model fails to comply with the provisions of the Act and this Part;
    - B) The changes and corrections that shall be completed;
    - C) The time within which the necessary changes and corrections shall be completed (Section 30(c) of the Act); and
    - D) The interim actions that are necessary to protect the health and safety of the patients.
- i) The Postsurgical Recovery Care Center Model license or provisional license shall be prominently displayed in an area accessible to the public.
- j) A Postsurgical Recovery Care Center Model licensed under this Part shall operate in conformance with the Hospital Licensing Act or Ambulatory Surgical Treatment Center Act and the rules promulgated thereunder, corresponding to its primary facility license, for all matters and requirements not specifically addressed in this Part.

### Section 210.1300 Obligations and Privileges of Postsurgical Recovery Care Center Models

- a) Postsurgical Recovery Care Center Models shall, within 30 days of licensure, seek certification under Titles XVIII and XIX of the

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- federal Social Security Act.* (Section 30(d) of the Act)
- b) Postsurgical Recovery Care Center Models shall provide charitable care consistent with that provided by comparable health care providers in the geographic area. For the purpose of this Part, comparable health care providers shall include hospitals and ambulatory surgical treatment centers. (Section 30(d) of the Act)
- c) A Licensed Postsurgical Recovery Care Center Model that continues to be in substantial compliance after the conclusion of the demonstration program shall be eligible for annual license renewals unless and until a different licensure program for that type of health care model is established by legislation. (Section 30(c) of the Act)
- d) No facility or person shall hold itself out to the public as a "Recovery Care Center" or "Postsurgical Recovery Care Center" unless it is licensed as a Postsurgical Recovery Care Center Model under the Act. (Section 36 of the Act)

**Section 210.1400 Inspections and Investigations**

- a) The Department shall perform licensure inspections of Postsurgical Recovery Care Center Models, as deemed necessary, to ensure compliance with the Act and this Part. (Section 25(c) of the Act)
- b) All Postsurgical Recovery Care Center Models to which this Part applies shall be subject to and shall be deemed to have given consent to all inspections by properly identified personnel of the Department, or by other such properly identified persons as the Department might designate. In addition, representatives of the Department shall have access to and may reproduce or photocopy any books, records, and other documents maintained by the Model or the licensee to the extent necessary to carry out the Act and this Part.
- c) The Department shall investigate an applicant or licensee whenever it receives a verified complaint in writing of any person setting forth facts which, if proven, would constitute grounds for the denial of an application for a license, refusal to renew a license, or suspension or revocation of a license. (Section 50 of the Act)
- d) The Department may also investigate an applicant or licensee on its own motion or based upon complaints received by mail, telephone, or in person. (Section 50 of the Act)

**Section 210.1500 Notice of Violation and Plan of Correction**

- a) Upon determination that the licensee or applicant is in violation of the Act or this Part, the Department shall issue a written Notice of Violation and request a plan of correction. The notice shall specify the violation(s), and shall instruct the licensee or applicant to submit a plan of correction to the Department within 10 days after receipt of the Notice.
- b) Within the ten-day period, a licensee or applicant may request additional time for submission of the plan of correction. The Department may extend the period for submission of the plan of

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correction for an additional 30 days, when the Department finds that corrective action by the Model to abate or eliminate the violation(s) will require substantial capital improvement. The Department will consider the extent and complexity of necessary physical plant repairs and improvements and any impact on the health, safety, or welfare of the patients of the Model in determining whether to grant a requested extension.

- c) Each plan of correction shall be based on an assessment by the Model of the conditions or occurrences that are the basis of the violation(s) and an evaluation of the practices, policies, and procedures that have caused or contributed to the conditions or occurrences. Evidence of such assessment and evaluation shall be maintained by the Model. Each plan of correction shall include:
- 1) A description of the specific corrective action the Model is taking, or plans to take, to abate, eliminate, or correct the violation(s) cited in the Notice;
  - 2) A description of the steps that will be taken to avoid future occurrences of the same and similar violation(s); and
  - 3) A specific date by which the corrective action will be completed.
- d) Submission of a plan of correction shall not be considered an admission by the Model that the violation(s) has occurred.
- e) The applicant or licensee may submit additional information in response to the Notice of Violation that it believes will clarify the condition or alleged violation(s). The Department will consider the information in reviewing the applicant's or licensee's response and the plan of correction.
- f) The Department shall review each plan of correction to ensure that it provides for the abatement, elimination, or correction of the violation. The Department shall reject a submitted plan only if it finds any of the following deficiencies:
- 1) The plan does not address the conditions or occurrences that are the basis of the violation and an evaluation of the practices, policies, and procedures that have caused or contributed to the conditions or occurrences.
  - 2) The plan is not specific enough to indicate the actual actions the Model will be taking to abate, eliminate, or correct the violation.
  - 3) The plan does not provide for measures that will abate, eliminate, or correct the violation.
  - 4) The plan does not provide steps that will avoid future occurrences of the same and similar violations.
  - 5) The plan does not provide for timely completion of the corrective action, considering the seriousness of the violation, any possible harm to the patients, and the extent and complexity of the correction action.
- g) The Department shall notify the licensee or applicant if the plan of correction is rejected, including specific reasons for the rejection of the plan. The Model shall submit a modified plan that addresses the requirements of subsection (c) of this Section within five days



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after receipt of notice of rejection.

- h) If a licensee or applicant fails to make a timely submission of a modified plan of correction, or such modified plan is not acceptable to the Department, a plan of correction shall be specified and imposed by the Department.
- i) The Department shall verify the completion of the corrective action required by the plan of correction within the specified time period during subsequent investigations, surveys, and evaluations of the Model.

**Section 210.1600 Adverse Licensure Action**

- a) Before denying a license application, refusing to renew a license, suspending a license, revoking a license, or assessing an administrative fine, the Department shall notify the applicant or the licensee in writing. The notice shall specify the charges or reasons for the Department's contemplated action, and shall provide the applicant or licensee an opportunity to file a request for a hearing within 10 days after receiving the notice. (Section 50 of the Act)
- 1) A failure to request a hearing within 10 days shall constitute a waiver of the applicant's or licensee's right to a hearing. (Section 50 of the Act)
- 2) The hearing shall be conducted by the Director or an individual designated in writing by the Director as an Administrative Law Judge, and shall be conducted in conformance with the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) and Section 65 of the Act. (Section 55 of the Act)

- b) A license may be denied, suspended, revoked, the renewal of a license may be denied or administrative fine assessed, for any of the following reasons:

- 1) Violation of any provision of the Act or this Part.
- 2) Conviction of the owner or operator of the Postsurgical Recovery Care Center Model of a felony or of any other crime under the laws of any state or of the United States arising out of or in connection with the operation of a health care facility. The record of conviction or a certified copy of it shall be conclusive evidence of conviction.
- 3) An encumbrance on a Health Care License issued in Illinois or any other state to the owner or operator of the Postsurgical Recovery Care Center Model.
- 4) Revocation of any facility license issued by the Department during the previous five years or surrender or expiration of the license during the pendency of action by the Department to revoke or suspend the license during the previous five years, if the prior license was issued to the individual applicant or a controlling owner or controlling combination of owners of the applicant or any affiliate of the individual applicant or controlling owner of the applicant or affiliate of the applicant

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was a controlling owner of the prior license. (Section 45 of the Act)

- c) An action to assess an administrative fine may be initiated in conjunction with or in lieu of other adverse licensure action.
- d) The amount of an administrative fine shall be determined based on consideration of the following:

- 1) The nature and severity of the violation(s);
- 2) The Model's diligence in correcting the violation(s);
- 3) Whether the Model had been previously cited for similar violation(s);
- 4) The number of violations;
- 5) The duration of uncorrected violation(s); and
- 6) The impact or potential impact of the violation(s) on patient health and safety.
- e) The administrative fine shall be calculated in relation to the number of days the violation existed, or continues to exist if it has not been corrected. The total amount of the fine assessed shall fall within the following parameters:
- 1) For a violation that occurred as a single event or incident -- between \$100 and \$5,000 per violation.
- 2) For a violation that was or is continuing beyond a single event or incident -- between \$100 and \$500 per day per violation.

**Section 210.1700 Admission Practices**

The Model shall establish and follow admission criteria that provide for:

- a) The admission of postsurgical patients to the Model that is consistent with the recommendations of the qualified consulting committee in Section 210.1900 and as approved by the Department as defined in Section 210.1800 (Section 36 of the Act).
- b) The nondiscrimination of patients based on disability, race, religion, sex, source of payment, and any other basis recognized by applicable State and federal laws.

**Section 210.1800 Approval of Protocols for the Admission of Postsurgical Patients**

- a) An admission protocol specifying the criteria for admitting a postsurgical patient to the Model shall be included in the application as provided in Section 210.1200. The admission protocol must address at least the following:

- 1) All patients shall be admitted to the Model by a member of the medical staff with admitting privileges, and shall be under the professional care of a member of the medical staff.
- 2) Criteria for admission that include limiting services provided as follows:
  - A) the patient must have been discharged from the post anesthesia care unit or recovery room of the ASTC or hospital where the procedure was performed. The patient may



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not be directly admitted to the Model from the operating room;

- B) patients must be three years of age or older;
  - C) patients with an active, acute or chronic infectious condition shall not be eligible for admission;
  - D) patients must fall within anesthesia class I or II or fall within anesthesia class III with only mild to moderate systematic disease but medically stable;
  - E) patients must require a postoperative overnight stay;
  - F) patients will require a stay of not more than 48 hours (may be extended to 72 hours when the necessity of the extension is documented by the treating physician and approved by the Medical Director);
  - G) the level of care needed by the patient is consistent with the definition of a Postsurgical Recovery Care Center Model, and hospitalization is not required;
  - H) the patient is physiologically stable at the time of admission and has experienced no intraoperative or postoperative complications that would cause the patient to be ineligible for admission based on the Act and this Part; and
  - I) the patient does not require the administration of blood.
- 3) The types of surgical procedures performed in ambulatory surgical treatment centers or hospitals which the Postsurgical Recovery Care Center Model intends to admit, including documentation that the expected postoperative stay is less than 48 hours and the postoperative complication rate is minimal.
- 4) At the time of admission the patient's medical record must include:
- A) a current history and physical examination conducted or approved by members of the medical staff;
  - B) patient diagnosis;
  - C) a discharge summary from the referring facility or physician, including the surgical procedure performed, the type of anesthesia used, medications given, recovery events and any other pertinent information regarding the patient's status;
  - D) physician orders;
  - E) documentation concerning advance directives; and
  - F) any other underlying medical condition that could be relevant to the patient's care.
- b) The admission protocol and any subsequent revisions shall be approved by the applicant's consulting committee prior to submission to the Department, and documentation of the approval must be submitted with the request for the Department's approval.
- c) The initial and any revised admission protocols may not be put into effect without prior approval of the Department as provided in this Section.
- d) The Department shall review all admission protocols submitted with the

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application, renewal application and any separate submission under this Section to assure that the admission protocol provides for the admission of only postsurgical patients who can safely be cared for outside of a licensed acute care hospital. The Department will disapprove any admission protocol that allows an admission that would be life threatening in nature or that does not meet the requirements set forth in Section 210.1800(a).

- e) Upon receipt of the information from the Model, the Department will either approve the admission protocol, or disapprove the admission protocol as provided under subsection (d) of this Section. The Department will seek the recommendations of medical specialty and other professional consultants concerning the safety of specific admission protocols when it determines that such consultation is necessary. The Department will also consider any additional information submitted by medical specialists and other professionals and by medical specialty and other professional societies in making these determinations.

**Section 210.1900 Standards of Professional Practice**

- a) A qualified consulting committee shall be appointed in writing by the operator and/or owner of the Postsurgical Recovery Care Center Model and shall establish and enforce standards for professional work in the Model and standards of competency for medical staff. The consulting committee shall meet not less than quarterly and shall document all meetings with written minutes. These written minutes shall be maintained at the Model and shall be available for inspection by the Department.
  - 1) The consulting committee shall review development and content of the written policies and procedures of the Postsurgical Recovery Care Center Model, the procedures for granting privileges, and the quality of the postsurgical recovery care services provided. Evidence of such review shall be recorded in the minutes.
  - 2) Credentials shall be provided by those physicians, dentists, and podiatrists seeking admitting privileges. These credentials shall be reviewed by the consulting committee, and specific practice privileges shall be available for the Model's staff use and public information within the Model.
  - 3) Each member of the medical staff granted specific admitting privileges shall provide documentation indicating the name of the Illinois licensed hospital(s) where they have privileges, which include approval to perform at least the same level of services which the physician seeks to provide in the Model. Such statements or documentation shall be available for inspection by the Department. A list of privileges granted each medical staff member of the Postsurgical Recovery Care Center Model shall be available at all times for use by the staff of the Postsurgical Recovery Care Center Model and for inspection by Department staff.

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- b) A physician shall be designated "Medical Director."
- 1) The Medical Director shall assure compliance with the policies and procedures pertaining to medical procedures, approved by the consulting committee.
  - 2) The Medical Director shall be responsible for the implementation of medical policies and procedures contained in the Model's policies and procedures governing the professional personnel involved in direct care of patients.
  - 3) The Medical Director shall establish and assure compliance of standards for the observation of patients by nursing personnel during the postoperative period.
  - c) A qualified physician shall be on-call and able to be physically present in the Model within 15 minutes after a request from the nurse in charge at all times when patients are present in the Postsurgical Recovery Care Center Model.
  - d) The qualified consulting committee in a licensed ambulatory surgical treatment center may act as the consulting committee in the Postsurgical Recovery Care Center Model.

**Section 210.2000 Length of Stay**

- a) *The maximum length of stay for patients shall not exceed 48 hours unless the treating physician, dentist, or podiatrist requests an extension of time from the Postsurgical Recovery Care Center Model's Medical Director on the basis of medical or clinical documentation that an additional care period is required for the recovery of a patient and the Medical Director approves the extension of time.* (Section 35 of the Act)
- b) No patient shall stay in the Postsurgical Recovery Care Center Model longer than 72 hours. If a patient requires an additional care period, the patient shall be transferred to an appropriate facility. (Section 35 of the Act)
- c) *Reports on variances from the 48 hour limit shall be sent to the Department for evaluation within 30 days after the patient's discharge.* (Section 35 of the Act) The report shall not identify the patient or physician but shall detail the following:
  - 1) patient diagnosis and the surgical procedure performed;
  - 2) the reason(s) for the extended stay;
  - 3) actual length of stay;
  - 4) documentation of the Medical Director's approval;
  - 5) documentation of consulting committee review of the case and the results of the review.

**Section 210.2100 Patient's Rights**

- a) A patient shall not be deprived of any rights, benefits, or privileges guaranteed by law based solely on his/her status as a patient of the Model.
- b) The Model shall notify the patient's representatives whenever the

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- c) patient suffers from a surgical complication, illness, or accident. Every patient shall be permitted to refuse medical treatment and to know the consequences of such action.
- d) Every patient or patient's representative shall be permitted to inspect and copy all of the patient's clinical and other records concerning the patient's care and maintenance kept by the Model or by the patient's physician.
- e) All patients shall be permitted respect and privacy in their medical and personal care program. Every patient's case discussion, consultation, examination, and treatment shall be confidential and shall be conducted discreetly. Those persons not directly involved in the patient's care must have the patient's permission to be present.
- f) Every patient shall be permitted unimpeded, private, and uncensored communication of his/her choice by mail and telephone. The Model shall ensure that correspondence is promptly received and mailed, and that telephones are reasonably accessible.

**Section 210.2200 Personnel**

- a) A registered nurse with postgraduate education or at least three years experience within the last five years in the postanesthesia recovery unit or medical/surgical unit of an acute care hospital or in an ambulatory surgical treatment center shall be designated as the Supervising Nurse and shall direct and supervise the nursing personnel and the nursing care of the patients.
- b) The licensee shall provide a sufficient number of properly trained and supervised staff to meet the needs of each patient. At least two licensed nurses, one of whom is a registered nurse, must be on duty when patients are present.
- c) The licensee shall define, through job descriptions, minimum education and experience, requirements for all staff, consultants and contract staff providing services to the Postsurgical Recovery Care Center Model. All nursing staff must:
  - 1) be certified for basic cardiopulmonary life support; and
  - 2) have a minimum of two years experience within the last five years in the post-anesthesia recovery unit or medical/surgical unit of an acute care hospital or in an ambulatory surgical treatment center.
- d) The licensee shall provide an initial orientation and routine, pertinent training to all staff. This training may include return demonstration, one-on-one training, small group exercises, or lecture. All training shall be documented with:
  - 1) date,
  - 2) starting and ending time,
  - 3) instructor(s),
  - 4) short description of content,
  - 5) participants' written and printed signatures.
- e) The Model shall establish an employee health program that includes the following:



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- 1) an assessment of the employee's health and immunization status at the time of employment;
- 2) policies regarding required immunizations;
- 3) policies and procedures for the periodic health assessment of all personnel. These policies must specify the content of the health assessment and the interval between assessments and must comply with Section 690.720 Tuberculosis, of the Department's rules entitled "Control of Communicable Diseases Code" (77 Ill. Adm. Code 690).

**Section 210.2300 Patient Care**

- a) All persons shall be admitted to the Model by a member of the medical staff and shall be under the professional care of a member of the medical staff.
- b) No medication, treatment or diagnostic test shall be administered to a patient except on the written order of a member of the medical staff. Verbal orders shall be signed before the medical staff member leaves the Model. Telephone orders shall be countersigned within 24 hours.
- c) Policies and procedures must be developed and implemented that address the following:
  - 1) An initial nursing assessment shall be performed by a registered nurse on admission of the patient to the Model.
  - 2) A nursing care plan shall be developed and implemented that addresses the needs of the patient and is coordinated with the patient's medical management plan.
  - 3) Visiting rules shall be developed that protect the health, safety and privacy of the patients.
    - A) Visiting hours shall be communicated to the patient and posted in an area(s) visible to all persons entering the Model.
    - B) No visitor shall knowingly be admitted who has a known infectious disease, who has recently recovered from such a disease, or who has recently had contact with such a disease.
    - C) Smoking by visitors shall be prohibited except in specially designated areas.
  - 4) Emergency Care and Transfers
    - A) Policies and procedures shall be developed which establish the extent of emergency treatment to be provided in the Model, including basic life support procedures and transfer arrangements for patients who require care beyond the scope provided by the Model.
    - B) There shall be monitoring equipment, suction apparatus, oxygen, and cardiopulmonary resuscitation equipment available in the Model.
    - C) Patient transfers to a hospital shall be by a licensed ambulance service.
    - D) Appropriate medical records and a summary of the events

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- precipitating the transfer must accompany the patient.
- E) The Model must have a written disaster plan of operation with procedures to be followed in the event of fire, natural disaster or other threat to patient safety.
  - 5) Policies and procedures shall be developed and implemented concerning the administration, storage, and disposal of medications.
  - d) Written discharge instructions shall be provided to each patient based upon the patient's health care needs and the medical staff's instructions.
  - e) Patients shall be discharged only on the written signed order of a member of the medical staff.

**Section 210.2400 Infection Control**

- a) The Model must provide a sanitary environment to avoid sources and transmission of infections and communicable diseases. There must be an active program for the prevention, control and investigation of infections and communicable diseases.
- b) A person or persons shall be designated as infection control officer or officers to develop and implement policies governing control of infections and communicable disease. Policies and procedures shall be developed to address the following:
  - 1) Medical, nursing and non-professional staff behaviors to prevent and control the transmission of infections or communicable diseases.
  - 2) Measures to handle infectious cases that develop in the Model.
  - 3) Reporting and care of cases of communicable diseases shall be in accordance with 77 Ill. Adm. Code 690, the Control of Communicable Diseases Code.
  - 4) A systematic plan of checking and recording cases of infection, known or suspected, which develop in the Model.
- c) The Model shall ensure maintenance of a sanitary environment with all equipment in good working order. Written procedures shall include:
  - 1) Provision for garbage, refuse and medical waste removal in such a manner that will not permit the transmission of a contagious disease, create a nuisance or fire hazard or provide a breeding place for vermin or rodents;
  - 2) Insect and rodent control;
  - 3) Maintenance of water, heat, ventilation and air conditioning, and electrical service;
  - 4) The use, cleaning and care of equipment and supplies; and
  - 5) Housekeeping and cleaning measures and schedule.
- d) Laundry shall be processed in accordance with Sections 250.1740, 250.1750 and 250.1760 of the Hospital Licensing Requirements.

**Section 210.2500 Laboratory, Pharmacy and Radiological Services**

- a) Each Postsurgical Recovery Care Center Model shall meet the following:



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- 1) Possess a valid Clinical Laboratory Improvement Amendments (CLIA) certificate for those tests performed by the Model; and
- 2) Have a written agreement with a laboratory which possesses a valid CLIA certificate to perform any required laboratory procedures which are not performed in the center.
- b) Blood and blood products may not be administered in the Model.
- c) Pharmacy services shall be provided directly by the Model or by contract with a pharmacy licensed pursuant to the Pharmacy Practice Act.
- d) Pharmacy services not provided by contract must be under the direction of a registered pharmacist employed by the Model on a full-time, part-time or consulting basis.
- e) All drugs and medicines shall be stored and dispensed in accordance with applicable State and federal laws and regulations.
- f) Radiologic services sufficient to perform and interpret the radiological examinations necessary to meet the needs of the patients must be provided.
- g) All x-rays shall be read by a member of the medical staff or a consulting radiologist approved by the consulting committee.

**Section 210.2600 Records and Reports**

- a) Accurate and complete clinical records shall be maintained for each patient, and all entries in the clinical record shall be made at the time when care, treatment, medications or other medical services are given. The record shall include, but not be limited to, the following:
  - 1) patient identification;
  - 2) admitting information including the patient's history and physical examination findings, discharge summary from the ambulatory surgical treatment center or hospital where the surgical procedure was performed as required by Section 210.1800(a) of this Part;
  - 3) signed physician, dentist, or podiatrist orders;
  - 4) laboratory and radiology tests results;
  - 5) medication and medical treatments;
  - 6) physician and consultant or allied health personnel progress notes;
  - 7) nursing observation, progress notes and vital sign charting;
  - 8) discharge instructions and condition at discharge;
  - 9) documentation concerning advance directives; and
  - 10) signed discharge summary.
- b) Records must be stored in a safe manner that will assure safety from water seepage or fire damage and will safeguard from unauthorized access.
- c) All original records or copies of such records shall be maintained in accordance with a Postsurgical Recovery Care Center Model policy that complies with State and federal laws.
- d) Each Postsurgical Recovery Care Center Model shall submit to the

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Department clinical statistical data that include the following:

- 1) the total number of patients admitted to the Postsurgical Recovery Care Center Model;
- 2) the number of patients admitted itemized by the surgical procedure and anesthesia class that was performed prompting the admission;
- 3) the number and type of complications, including the specific procedure associated with each complication;
- 4) the number of patients requiring transfer to another health care facility for treatment of complications or other reasons. List the procedure, type of health care facility, and the complication or reason which prompted each transfer; and
- 5) the number of deaths, including the surgical procedure performed prior to admittance and the events leading up to the patient's death.
- e) This clinical data shall be submitted to the Department quarterly, with reports due no later than January 15, April 15, July 15, and October 15 for the preceding quarter.

**Section 210.2700 Transfer Agreement**

- a) In order to handle cases of complications, emergencies or exigent circumstances, the Postsurgical Recovery Care Center Model shall maintain a contractual relationship, including a transfer agreement, with a general acute care hospital. (Section 35 of the Act)
- b) The Postsurgical Recovery Care Center Model shall be located within 15 minutes travel time from the general acute care hospital with which the Model maintains a transfer agreement. (Section 35 of the Act)

**Section 210.2800 Food Service**

- a) Postsurgical Recovery Care Center Models may use food service facilities located within facilities licensed under the Hospital Licensing Act or the Nursing Home Care Act (Ill. Rev. Stat. 1991, Ch. 111 1/2, pars. 4151-101 et seq.) [210 ILCS 45]. Procedures and equipment shall be in place to assure the safe transport and service of meals and snacks.
- b) All other Postsurgical Recovery Care Center Models shall procure meals and snacks from a source that complies with the following: Sections 250.1610, 250.1620, 250.1630, 250.1640, 250.1650, 250.1660, 250.1670, and 250.1680 of the Hospital Licensing Requirements. Procedures and equipment shall be in place to assure the safe transport and service of meals and snacks.
- c) To the extent medically possible, a minimum of three meals, or their equivalent, shall be served daily.
- d) Menus must be approved by a dietitian who is employed by the Postsurgical Recovery Care Center Model on a full-time, part-time or consultant basis. Dietary consultation shall be provided to patients as needed or requested.

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- e) Therapeutic or modified diets must be served as ordered.
- f) A patient's intake of food and liquids shall be monitored and documented as dictated by the patient's condition and the surgical procedure performed.

**Section 210.2900 Physical Plant**

- a) If part of a hospital:
- 1) Postsurgical Recovery Care Center Models built after January 1, 1994 shall meet the program narrative (see Section 250.2430(a)(4)) and comply with the following Sections of the Hospital Licensing Requirements: 250.2410, 250.2420, 250.2430, 250.2440(d)(1-4), 250.2450, 250.2460, 250.2470, 250.2480, 250.2490(a)-(h) and (j)-(k) and 250.2500.
  - 2) If subsection (a)(1) of this Section does not apply, the Postsurgical Recovery Care Center Model shall meet the program narrative and comply with the following Sections of the Hospital Licensing Requirements: 250.2620, 250.2630(d)(1)-(4), 250.2640, 250.2650, 250.2660, 250.2670 and 250.2680.
- b) If not part of a licensed hospital, postsurgical recovery care center models shall meet the program narrative and comply with:
- 1) Chapters 1-7, 12, 31 and 32 of the 1991 Edition (no later amendments or editions included) of the National Fire Protection Association (NFPA) Code for Safety to Life from Fire in Buildings and Structures (also known as "The Life Safety Code") which may be obtained from the National Fire Protection Association, Batterymarch Park, Massachusetts 02269; and
  - 2) The following Sections of the Hospital Licensing Requirements: 250.2410, 250.2420, 250.2430, 250.2440 (d)(1)-(4), 250.2450, 250.2460, 250.2470(a), (b), and (c)(1), (2), and (4), 250.2480, 250.2490(a)-(h), (j) and (k), and 250.2500.

**Section 210.3000 Quality Assessment and Improvement**

- a) The licensee shall develop and implement a quality assessment and improvement program designed to meet at least the following:
- 1) Ongoing monitoring and evaluation of the quality and accessibility of care and services provided by the Model or under contract, including but not limited to:
    - A) admission of patients appropriate to the capabilities of the Model,
    - B) patient satisfaction,
    - C) costs for delivery of services, and
    - D) infection control;
  - 2) Identification and analysis of problems;
  - 3) Identification and implementation of corrective action or changes in response to problems.
- b) The licensee shall afford the Department and the Board access to any materials or documents generated pursuant to the Model's quality

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assessment and improvement program or that otherwise relate to patient demand, utilization and satisfaction; healthcare costs; healthcare cost effectiveness; financial viability of the Model; and access to healthcare services. Reports shall not identify the patient or physician. Additionally, the Board shall collect uniform billing data substantially the same as specified in Section 4-2(e) of the Illinois Health Finance Reform Act. A copy of the data shall be forwarded by the Board to the Illinois Health Care Cost Containment Council. (Section 20 of the Act) Such information shall be used by the Department and the Board to evaluate and assess Postsurgical Recovery Care Center Models in relation to the Demonstration Program, and shall be afforded the same confidential status as is provided information concerning medical studies in Article VIII, Part 21 of the Code of Civil Procedure (Ill. Rev. Stat. 1991, ch. 110, pars. 1-101 et seq.) [735 ILCS 5].

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1) Heading of the Part:

Sheltered Care Facilities Code

2) Code Citation:

77 Ill. Adm. Code 330

3) Section Numbers:

330.730

330.4260

Adopted Action:

Amendments

Amendments

4) Statutory Authority:

Nursing Home Care Act  
 Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4151-101 et seq.  
 [210 ILCS 45]

5) Effective Date of Rules:

October 15, 1994

6) Does this Rulemaking Contain an Automatic Repeal Date? No

If "yes," please specify date:

7) Does this Rulemaking Contain Any Incorporations By Reference? No8) Date Filed in Agency's Principal Office:

October 15, 1994

9) Date Notice(s) of Proposal was Published in Illinois Register:

March 25, 1994 - 18 Ill. Reg. 4942

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? No

If "yes," please complete the following:

A) Statement of Objection: \_\_\_\_\_, Ill. Reg.B) Agency Response: \_\_\_\_\_, Ill. Reg.C) Date Agency Response Submitted for Approval to the Joint Committee:11) Difference Between Proposal and Final Version:

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The following changes were made in response to comments received during the first notice or public comment period:

No changes were made during the first notice period.

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

1. To delete ", AS NOW OR HEREAFTER AMENDED" from the fourth line of Section 330.730(a)(1)(B) and (a)(2) as it is not adopted language.

2. To underline the first comma after "contract" in the fourth line of Section 330.730(g) and show the second comma after the second "contract" as stricken.

3. To delete the comma after "Life Care Facilities Act" in Section 330.730(t), as it is not adopted language.

4. To delete the "/" in the ILCS citation in Section 330.630(t) as it is not adopted language.

5. To change the citation at the end of Section 330.4260(e) to state: "(Section 2-201(4) of the Act)," as adopted language.

6. To underline the comma after "PUNBS" in the second line of Section 330.4260(f) and to delete the underline from the period in the fifth line.

7. To modify Section 330.4260(f)(3) when this rulemaking is adopted to include the date that these amendments become effective.

8. To include "SUCH REQUEST, TO PAY THE RESIDENT HIS ALLOWANCE, OR TO MAKE ANY" after "WAKE" and before "OTHER" in the fifth line of Section 330.4260(g).

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

13) Will the Rules Replace an Emergency Rule Currently in Effect? No

14) Are there any other Amendments Pending on this Part? Yes



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## If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
330.270	Amendments	18 Ill. Reg. 11829
330.330	Amendments	18 Ill. Reg. 11829
330.1140	Repealer	18 Ill. Reg. 11829
330.1145	New Section	18 Ill. Reg. 11829
330.1150	New Section	18 Ill. Reg. 11829
330.1155	New Section	18 Ill. Reg. 11829
330.Appendix E	New Section	18 Ill. Reg. 11829

15) Summary and Purpose of Rules:

The rules in Part 330 govern the licensure of sheltered care facilities in accordance with the requirements of the Nursing Home Care Act.

Section 330.730 - The Section concerning the contract between the resident and the facility is being amended to add language from Public Act 88-154 (House Bill 275), effective July 28, 1993. The language states: "No prior notice of termination of the contract shall be required, however, in the case of a resident's death."

Section 330.4260 - The Section concerning Resident's Rights is being amended to reflect a statutory change. Public Act 87-1122 (effective September 16, 1992) amended Section 2-201 of the Nursing Home Care Act to change the requirements for securing residents' funds. The new language requires a facility to either purchase a surety bond or otherwise provide assurance satisfactory to the Departments of Public Health and Insurance that all residents' personal funds deposited with the facility are secure against loss, theft, and insolvency. Additional language indicates how the assurance of the security of residents' funds is to be provided. Statutory language is also added to subsection (b) to reflect an amendment to the Nursing Home Care Act.

16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Ms. Gail DeVito, Division of Governmental Affairs, Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER C: LONG-TERM CARE FACILITIES

PART 330  
SHELTERED CARE FACILITIES CODE

## SUBPART A: GENERAL PROVISIONS

Section	
330.110	General Requirements
330.120	Application for License
330.130	Licensee
330.140	Issuance of an Initial License For a New Facility
330.150	Issuance of an Initial License Due to a Change of Ownership
330.160	Issuance of a Renewal License
330.165	Criteria for Adverse Licensure Actions
330.170	Denial of Initial License
330.175	Denial of Renewal of License
330.180	Revocation of License
330.190	Experimental Program Conflicting With Requirements
330.200	Inspections, Surveys, Evaluations and Consultation
330.210	Filing an Annual Attested Financial Statement
330.220	Information to be Made Available to the Public By the Department
330.230	Information to be Made Available to the Public By the Licensee
330.240	Municipal Licensing
330.250	Ownership Disclosure
330.260	Issuance of Conditional Licenses
330.270	Monitoring and Receivership
330.271	Presentation of Findings
330.272	Determination to Issue a Notice of Violation or Administrative Warning
330.274	Determination of the Level of a Violation
330.276	Notice of Violation
330.277	Administrative Warning
330.278	Plans of Correction
330.280	Reports of Correction
330.282	Conditions for Assessment of Penalties
330.284	Calculation of Penalties
330.286	Determination to Assess Penalties
330.288	Reduction or Waiver of Penalties
330.290	Quarterly List of Violators
330.300	Alcoholism Treatment Programs In Long-Term Care Facilities
330.310	Department May Survey Facilities Formerly Licensed
330.320	Waivers
330.330	Definitions
330.340	Incorporated and Referenced Materials

## SUBPART B: ADMINISTRATION

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## Administrator

## SUBPART C: POLICIES

## Section

330.710 Resident Care Policies  
 330.720 Admission and Discharge Policies  
 330.730 Contract Between Resident and Facility  
 330.740 Residents' Advisory Council  
 330.750 General Policies  
 330.760 Personnel Policies  
 330.765 Initial Health Evaluation for Employees  
 330.770 Disaster Preparedness  
 330.780 Serious Incidents and Accidents

## SUBPART D: PERSONNEL

## Section

330.910 Personnel  
 330.913 Nursing and Personal Care Assistants (Repealed)  
 330.916 Student Interns (Repealed)  
 330.920 Consultation Services  
 330.930 Personnel Policies

## SUBPART E: HEALTH SERVICES AND MEDICAL CARE OF RESIDENTS

## Section

330.1110 Medical Care Policies  
 330.1120 Personal Care  
 330.1125 Life Sustaining Treatments  
 330.1130 Communicable Disease Policies  
 330.1135 Tuberculin Skin Test Procedures  
 330.1140 Behavior Emergencies

## SUBPART F: RESTORATIVE SERVICES

## Section

330.1310 Activity Program  
 330.1320 Work Programs  
 330.1330 Written Policies for Restorative Services

## SUBPART G: MEDICATIONS

## Section

330.1510 Medication Policies  
 330.1520 Administration of Medication  
 330.1530 Labeling and Storage of Medications

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## SUBPART H: RESIDENT AND FACILITY RECORDS

## Section

330.1710 Resident Record Requirements  
 330.1720 Content of Medical Records  
 330.1730 Records Pertaining to Residents' Property  
 330.1740 Retention and Transfer of Resident Records  
 330.1750 Other Resident Record Requirements  
 330.1760 Retention of Facility Records  
 330.1770 Other Facility Record Requirements

## SUBPART I: FOOD SERVICE

## Section

330.1910 Director of Food Services  
 330.1920 Dietary Staff in Addition to Director of Food Services  
 330.1930 Hygiene of Dietary Staff  
 330.1940 Diet Orders  
 330.1950 Adequacy of Diet and Meal Pattern  
 330.1960 Therapeutic Diets  
 330.1970 Scheduling of Meals  
 330.1980 Menu Planning  
 330.1990 Food Preparation and Service  
 330.2000 Food Handling Sanitation  
 330.2010 Kitchen Equipment, Utensils, and Supplies

## SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

## Section

330.2210 Maintenance  
 330.2220 Housekeeping  
 330.2230 Laundry Services

## SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

## Section

330.2410 Furnishings  
 330.2420 Equipment and Supplies

## SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

## Section

330.2610 Codes  
 330.2620 Water Supply  
 330.2630 Sewage Disposal  
 330.2640 Plumbing

## SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW SHELTERED CARE FACILITIES

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Section	
330.2810	Applicable Requirements (Repealed)
330.2820	Applicability of These Standards
330.2830	Submission of a Program Narrative
330.2840	New Construction, Additions, Conversions, and Alterations
330.2850	Preparation and Submission of Drawings and Specifications
330.2860	First Stage Drawings
330.2870	Second Stage Drawings
330.2880	Architectural Drawings
330.2890	Structural Drawings
330.3000	Mechanical Drawings
330.3010	Electrical Drawings
330.3020	Additions to Existing Structures
330.3030	Specifications
330.3040	Building Codes
330.3050	Site
330.3060	General Building Requirements
330.3070	Administration
330.3080	Corridors
330.3090	Bath and Toilet Rooms
330.3100	Living, Dining, Activity Rooms
330.3110	Bedrooms
330.3120	Special Care Room
330.3130	Kitchen
330.3140	Laundry
330.3150	Housekeeping, Service, and Storage
330.3160	Plumbing
330.3170	Heating
330.3180	Electrical

## SUBPART N: FIRE PROTECTION STANDARDS FOR NEW SHELTERED CARE FACILITIES

Section	
330.3310	Applicable Requirements (Repealed)
330.3320	Applicability of These Standards
330.3330	Fire Protection
330.3340	Fire Department Service and Water Supply
330.3350	General Building Requirements
330.3360	Exit Facilities and Subdivision of Floor Areas
330.3370	Stairways, Vertical Openings, and Doorways
330.3380	Corridors
330.3390	Exit Lights and Directional Signs
330.3400	Hazardous Areas and Combustible Storage
330.3410	Fire Alarm and Detection System
330.3420	Fire Extinguishers, Electric Wiring, and Miscellaneous
330.3430	Use of Fire Extinguishers, Evacuation Plan, and Fire Drills

## SUBPART O: DESIGN AND CONSTRUCTION STANDARDS FOR

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## EXISTING SHELTERED CARE FACILITIES

Section	
330.3610	Site
330.3620	General Building Requirements
330.3630	Administration
330.3640	Corridors
330.3650	Bath and Toilet Rooms
330.3660	Living, Dining, and Activity Rooms
330.3670	Bedrooms
330.3680	Special Care Room
330.3690	Kitchen
330.3700	Laundry Room
330.3710	Housekeeping and Service Rooms and Storage Space
330.3720	Plumbing and Heating
330.3730	Electrical

## SUBPART P: FIRE PROTECTION STANDARDS FOR EXISTING SHELTERED CARE FACILITIES

Section	
330.3910	Fire Protection
330.3920	Fire Department Service and Water Supply
330.3930	Occupancy and Fire Areas
330.3940	Exit Facilities and Subdivision of Floor Areas
330.3950	Stairways, Vertical Openings, and Doorways
330.3960	Exit and Fire Escape Lights and Directional Signs
330.3970	Hazardous Areas and Combustible Storage
330.3980	Fire Alarm and Detection System
330.3990	Fire Extinguishers, Electric Wiring, and Miscellaneous
330.4000	Use of Fire Extinguishers, Evacuation Plan, and Fire Drills

## SUBPART Q: RESIDENT'S RIGHTS

Section	
330.4210	General
330.4220	Medical and Personal Care Program
330.4230	Restraints
330.4240	Abuse and Neglect
330.4250	Communication and Visitation
330.4260	Resident's Funds
330.4270	Residents' Advisory Council
330.4280	Contract With Facility
330.4290	Private Right of Action
330.4300	Transfer or Discharge
330.4310	Complaint Procedures
330.4320	Confidentiality
330.4330	Facility Implementation



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## SUBPART R: DAY CARE PROGRAMS

## Section 330.4510 Day Care In Long-Term Care Facilities

APPENDIX A Interpretation, Components, and Illustrative Services for Sheltered Care Facilities

APPENDIX B Classification of Distinct Part of a Facility For Different Levels of Service (Repealed)

APPENDIX C Forms for Day Care in Long-Term Care Facilities

APPENDIX D Criteria for Activity Directors Who Need Only Minimal Consultation

TABLE A Disaster Preparedness Parameters -- Relative Humidity and Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4151-101 et seq.) [210 ILCS 45].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 807, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 933, effective July 28, 1980; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14547, effective November 8, 1982; amended at 6 Ill. Reg. 14681, effective November 15, 1982; amended at 7 Ill. Reg. 1963, effective January 28, 1983; amended at 7 Ill. Reg. 6973, effective May 17, 1983; amended at 7 Ill. Reg. 15825, effective November 15, 1983; amended at 8 Ill. Reg. 15596, effective August 15, 1984; amended at 8 Ill. Reg. 15941, effective August 17, 1984; codified at 8 Ill. Reg. 19790; amended at 8 Ill. Reg. 24241, effective November 28, 1984; amended at 8 Ill. Reg. 24696, effective December 7, 1984; amended at 9 Ill. Reg. 2952, effective February 25, 1985; amended at 9 Ill. Reg. 10974, effective July 1, 1985; amended at 11 Ill. Reg. 16879, effective October 1, 1987; amended at 12 Ill. Reg. 1017, effective December 24, 1987; amended at 12 Ill. Reg. 16870, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18939, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6562, effective April 17, 1989; amended at 13 Ill. Reg. 19580, effective December 1, 1989; amended at 14 Ill. Reg. 14928, effective October 1, 1990; amended at 15 Ill. Reg. 516, effective January 1, 1991; amended at 16 Ill. Reg. 651, effective January 1, 1992; amended at 16 Ill. Reg. 14370, effective September 3, 1992; emergency amendment at 17 Ill. Reg. 2405, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 8000, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15089, effective September 3, 1993; amended at 17 Ill. Reg. 16180, effective January 1, 1994; amended at 17 Ill. Reg. 19258, effective October 26, 1993; amended at 17 Ill. Reg. 19576, effective November 4, 1993; amended at 17 Ill. Reg. 21044, effective November 20, 1993; amended at 18 Ill. Reg. 1475, effective January 14, 1994; amended at 18 Ill. Reg. 15851, effective 6-1-95 1994.

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## SUBPART C: POLICIES

## Section 330.730 Contract Between Resident and Facility

## a) Contract Execution

1) Before a person is admitted to a facility, or at the expiration of the period of previous contract, or when the source of payment for the resident's care changes from private to public funds or from public to private funds, a written contract shall be executed between a licensee and the following in order of priority:

- A) The person, or if the person is a minor, his parent or guardian; or
- B) The person's guardian, if any, or agent, if any, as defined in Section 11a-23 of the Probate Act of 1975, or 2-3 of the Illinois Power of Attorney Act; or
- C) A member of the person's immediate family. (Section 2-202(a) of the Act)

2) An adult person shall be presumed to have the capacity to contract for admission to a long-term care facility unless he has been adjudicated a "disabled person" within the meaning of Section 11a-2 of the Probate Act of 1975, or unless a petition for such an adjudication is pending in a circuit court of Illinois. (Section 2-202(a) of the Act)

3) If there is no guardian, agent or member of the person's immediate family available, able or willing to execute the contract required by Section 2-202 of the Act and a physician determines that a person is so disabled as to be unable to consent to placement in a facility, or if a person has already been found to be a "disabled person," but no order has been entered allowing residential placement of the person, that person may be admitted to a facility before the execution of a contract required by that Section; provided that a petition for guardianship or for modification of guardianship is filed within 15 days of the person's admission to a facility, and provided further that such a contract is executed within ten days of the disposition of the petition. (Section 2-202(a) of the Act)

4) No adult shall be admitted to a facility if he objects, orally or in writing, to such admission, except as otherwise provided in Chapters III and IV of the Mental Health and Developmental Disabilities Code, as amended, or Section 11a-14.1 of the Probate Act of 1975, as amended. (Section 2-202(a) of the Act)

5) If on the effective date of this Part, a person has not executed a contract as required by Section 2-202 of the Act, then such a contract shall be executed by, or on behalf of, the person, within ten days of the effective date of this Part, unless a petition has been filed for guardianship or modification of guardianship. If a petition for guardianship or modification of guardianship has been filed, and there is no guardian, agent or

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member of the person's immediate family available, able, or willing to execute the contract at that time, then a contract shall be executed within ten days of the disposition of such petition.

- b) The contract shall be clearly and unambiguously entitled, "Contract Between Resident and (name of facility)."
- c) Before a licensee (any facility licensed under the Act) enters a contract under Section 2-202 of the Act, it shall provide the prospective resident and his guardian, if any, with written notice of the licensee's policy regarding discharge of a resident whose private funds for payment of care are exhausted. (Section 2-202(a) of the Act)
- d) A resident shall not be discharged or transferred at the expiration of the term of a contract, except as provided in Sections 3-401 through 3-423 of the Act. (Section 2-202(b) of the Act)
- e) At the time of the resident's admission to the facility, a copy of the contract shall be given to the resident, his guardian, if any, and any other person who executed the contract. (Section 2-202(c) of the Act)
- f) The contract shall be signed by the licensee or his agent. The title of each person signing the contract for the facility shall be clearly indicated next to each such signature. The nursing home administrator may sign as the agent of the licensee.
- g) The contract shall be signed by, or for, the resident, as described in subsection (a) of this Section. If any person other than the principal signatory is to be held individually responsible for payments due under the contract, that person shall also sign the contract on a separate signature line labelled "signature of responsible party" or "signature of guarantor."
- h) The contract shall include a definition of "responsible party" or "guarantor," which describes in full the liability incurred by any such person.
- i) A copy of the contract for a resident who is supported by nonpublic funds other than the resident's own funds shall be made available to the person providing the funds for the resident's support. (Section 2-202(d) of the Act)
- j) The original or a copy of the contract shall be maintained in the facility and be made available upon request to representatives of the Department and the Department of Public Aid. (Section 2-202(e) of the Act)
- k) The contract shall be written in clear and unambiguous language and shall be printed in not less than 12 point type. (Section 2-202(f) of the Act)
- l) The contract shall specify the term of the contract. (Section 2-202(g)(1) of the Act) The term can be until a certain date or event. If a certain date is specified in the contract, an addendum can extend the term of the contract to another date certain or on a month-to-month basis.
- m) Services Provided and Charges
  - 1) The contract shall specify the services to be provided under the contract and the charges for the services. (Section 2-202(g)(2) of the Act)

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of the Act)

- 2) A paragraph shall itemize the services and products to be provided by the facility and express the costs of the itemized services and products to be provided either in terms of a daily, weekly, monthly or yearly rate, or in terms of a single fee.
- 3) The contract may provide that the charges for services may be changed with thirty (30) days advance written notice to the resident or the person executing the contract on behalf of the resident. The resident or the person executing the contract on behalf of the resident may either assent to the change or choose to terminate the contract at any time within 30 days of the receipt of the written notice of the change. The written notice shall become an addendum to the contract.
- n) The contract shall specify the services that may be provided to supplement the contract and the charges for the services. (Section 2-202(g)(3) of the Act)
  - 1) A paragraph shall itemize all services and products offered by the facility or related institutions which are not covered by the rate or fee established in subsection (m) of this Section. If a separate rate or fee for any such supplemental service or product can be calculated with definiteness at the time the contract is executed, then such additional cost shall be specified in the contract.
  - 2) If the cost of any itemized service or product to be provided to the resident by the facility or related institutions to--the resident cannot be established or predicted with definiteness at the time of the resident's admission to the facility or at the time of the execution of the contract, then no cost for that service or product need be stated in the contract. But the contract shall include a statement explaining the resident's liability for such itemized service or product and explaining that the resident will be receiving a bill for such itemized service or product beyond and in addition to any rate or fee set forth in the contract.
  - 3) The contract may provide that the charges for services and products not covered by the rate or fee established in subsection (n) may be changed with thirty (30) days advance written notice to the resident or the person executing the contract on behalf of the resident. The resident or the person executing the contract on behalf of the resident may either assent to the change or choose to terminate the contract at any time within 30 days of the receipt of the written notice of the change. The written notice shall become an addendum to the contract.
- o) The contract shall specify the sources liable for payments due under the contract. (Section 2-202(g)(4) of the Act)
- p) Deposit Provisions
  - 1) The contract shall specify the amount of deposit paid. (Section 2-202(g)(5) of the Act)
  - 2) Such amount shall be expressed in terms of a precise number of



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dollars and be clearly designated as a deposit. The contract shall specify when such deposit shall be paid by the resident, and the contract shall specify when such deposit shall be returned by the facility. The contract shall specify the conditions (if any) which must be satisfied by the resident before the facility shall return the deposit. Upon the satisfaction of all such conditions, the deposit shall be returned to the resident. If the deposit is nonrefundable, the contract shall provide express notice of such nonrefundability.

q) The contract shall specify the rights, duties and obligations of the resident, except that the specification of a resident's rights may be furnished on a separate document which complies with the requirements of Section 2-211 of the Act. (Section 2-202(g)(6) of the Act)

r) The contract shall designate the name of the resident's representative, if any. The resident shall provide the facility with a copy of the written agreement between the resident and the resident's representative which authorizes the resident's representative to inspect and copy the resident's records and authorizes the resident's representative to execute the contract on behalf of the resident required by Section 2-202 of the Act. (Section 2-202(h) of the Act)

s) The contract shall provide that if the resident is compelled by a change in physical or mental health to leave the facility, the contract and all obligations under it shall terminate on seven days notice. No prior notice of termination of the contract shall be required, however, in the case of a resident's death. The contract shall also provide that in all other situations, a resident may terminate the contract and all obligations under it with 30 days notice. All charges shall be prorated as of the date on which the contract terminates, and, if any payments have been made in advance, the excess shall be refunded to the resident. This provision shall not apply to life-care contracts through which a facility agrees to provide maintenance and care for a resident throughout the remainder of the resident's life nor to continuing-care contracts through which a facility agrees to supplement all available forms of financial support in providing maintenance and care for a resident throughout the remainder of the resident's life. (Section 2-202(i) of the Act)

t) All facilities which offer to provide a resident with nursing services, medical services or personal care services, in addition to maintenance services, conditioned upon the transfer of an entrance fee to the provider of such services in addition to or in lieu of the payment of regular periodic charges for the care and services involved, for a term in excess of one year or for life pursuant to a life care contract, shall meet all of the provisions of the Life Care Facilities Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4160-1 et seq.) [210 ILCS 40], including the obtaining of a permit from the Department, before they may enter into such contracts. (Section 2(c) of the Life Care Facilities Act)

u) In addition to all other contract specifications contained in this

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Section, admission contracts shall also specify:

1) whether the facility accepts Medicaid clients;  
2) whether the facility requires a deposit of the resident or his family prior to the establishment of Medicaid eligibility;  
3) in the event that a deposit is required, a clear and concise statement of the procedure to be followed for the return of such deposit to the resident or the appropriate family member or guardian of the person;

4) that all deposits made to a facility by a resident, or on behalf of a resident, shall be returned by the facility within 30 days of the establishment of Medicaid eligibility, unless such deposits must be drawn upon or encumbered in accordance with Medicaid eligibility requirements established by the Illinois Department of Public Aid. (Section 2-202(j) of the Act)

v) It shall be a business offense for a facility to knowingly and intentionally both retain a resident's deposit and accept Medicaid payments on behalf of the resident. (Section 2-202(k) of the Act)

(Source: Amended at 18 Ill. Reg. 1 3 3 1, effective Oct 15 1994)

## SUBPART Q: RESIDENTS' RIGHTS

## Section 330.4260 Resident's Funds

a) A resident shall be permitted to manage his own financial affairs unless he or his guardian or if the resident is a minor, his parent, authorizes the administrator of the facility in writing to manage such resident's financial affairs under ~~Subsections (b) through (e) of this Section~~ subsections (b) through (o) of this Section. (Section 2-102 of the Act)

b) The facility shall at the time of admission, provide, in order of priority, each resident, or the resident's guardian, if any, or the resident's representative, if any, or the resident's immediate family member, if any, with a written statement explaining to the resident and the resident's spouse their spousal impoverishment rights as defined at Section 5-4 of the Illinois Public Aid Code, and at Section 303 of Title III of the Medicare Catastrophic Coverage Act of 1988 (P.L. 100-360), and the resident's rights regarding personal funds and listing the services for which the resident will be charged, ~~and~~. The facility shall obtain a signed acknowledgement from each resident or the resident's guardian, if any, or the resident's representative, if any, or the resident's immediate family member, if any, that such person has received the statement. (Section 2-201(l) of the Act)

c) The facility may accept funds from a resident for safekeeping and managing, if it receives written authorization from, in order of priority, the resident or the resident's guardian, if any, or the resident's representative, if any, or the resident's immediate family member, if any; such authorization shall be attested to by a witness



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who has no pecuniary interest in the facility or its operations, and who is not connected in any way to facility personnel or the administrator in any manner whatsoever. (Section 2-201(2) of the Act)

d) The facility shall maintain and allow, in order of priority, each resident or the resident's guardian, if any, or the resident's representative, if any, or the resident's immediate family member, if any, access to a written record of all financial arrangements and transactions involving the individual resident's funds. (Section 2-201(3) of the Act)

e) The facility shall provide, in order of priority, each resident, or the resident's guardian, if any, or the resident's representative, if any, or the resident's immediate family member, if any, with a written itemized statement at least quarterly, of all financial transactions involving the resident's funds. (Section 2-201(4) of the Act)

f) The facility shall purchase a surety bond to guarantee the security of residents' funds, or otherwise provide assurance satisfactory to the Departments of Public Health and Insurance that all residents' personal funds deposited with the facility are secure against loss, theft, and insolvency. (Section 2-201(5) of the Act)

1) If a surety bond is secured, it must be issued by a company licensed to do business in Illinois, the amount of bond must be equal to or greater than all resident funds managed by the facility, and the obligee named in the bond must be the Illinois Department of Public Health or its assignees.

2) If an alternative to a surety bond is secured, the alternative must provide a protection equivalent to that afforded by a surety bond. To be acceptable, the alternative must have a person(s) or entity(ies) designated who can collect in case of loss (e.g., residents, the Department). The alternative must also provide a guarantee that lost funds will be repaid. The guarantee may be made either by an independent entity (e.g., a bank) or the facility. If the facility provides the guarantee, it must be backed by facility money at least equal to resident funds. This money must be reserved solely for the purpose of assuring the security of resident funds. Two examples of acceptable alternatives to surety bonds are letters of credit and self-insurance. Both surety bonds and alternatives must protect the full amount of residents' funds deposited with the facility.

3) Any alternative to a surety bond shall be submitted to the Department for review and approval. Alternatives that meet the requirements of this Section and were in place prior to October 1, 1994, must be submitted to the Department for review and approval within 120 days after October 1, 1994.

g) The facility shall keep any funds received from a resident for safekeeping in an account separate from the facility's funds, and shall at no time withdraw any part or all of such funds for any purpose other than to return the funds to the resident upon the request of the resident or any other person entitled to make such request, to pay the resident his allowance, or to make any other

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payment authorized by the resident or any other person entitled to make such authorization. (Section 2-201(6) of the Act)

h) The facility shall deposit any funds received from a resident in excess of \$100 in an interest bearing account insured by agencies of, or corporations chartered by, the State or federal government. The account shall be in a form which clearly indicates that the facility has only a fiduciary interest in the funds and any interest from the account shall accrue to the resident. (Section 2-201(7) of the Act)

i) The facility may keep up to \$100 of a resident's money in a noninterest bearing account or petty cash fund, to be readily available for the resident's current expenditures. (Section 2-201(7) of the Act)

j) The facility shall return to the resident, or the person who executed the written authorization required in subsection (c) of this Section, upon written request, all or any part of the resident's funds given the facility for safekeeping, including the interest accrued from deposits. (Section 2-201(8) of the Act)

k) The facility shall place any monthly allowance to which a resident is entitled in that resident's personal account, or give it to the resident, unless the facility has written authorization from the resident or the resident's guardian, or if the resident is a minor, his parent, to handle it differently. (Section 2-201(9) of the Act)

l) Unless otherwise provided by State law, the facility shall upon the death of a resident provide the executor or administrator of the resident's estate with a complete accounting of all the resident's personal property, including any funds of the resident being held by the facility. (Section 2-201(10) of the Act)

m) If an adult resident is incapable of managing his funds and does not have a resident's representative, guardian, or an immediate family member the facility shall notify the Office of the State Guardian of the Guardianship and Advocacy Commission. (Section 2-201(11) of the Act)

n) If the facility is sold, the seller shall provide the buyer with a written verification by a public accountant of all residents' monies and properties being transferred, and obtain a signed receipt from the new owner. (Section 2-201(12) of the Act)

o) The facility shall take all steps necessary to ensure that a personal needs allowance that is placed in a resident's personal account is used exclusively by the resident or for the benefit of the resident. Where such funds are withdrawn from the resident's personal account by any person other than the resident, the facility shall require such person to whom funds constituting any part of a resident's personal needs allowance are released to execute an affidavit that such funds shall be used exclusively for the benefit of the resident. (Section 2-201(9)(b) of the Act)- "Personal needs allowance," for the purposes of this subsection, refers to the monthly allowance allotted by the Illinois Department of Public Aid to public aid recipients.

(Source: Amended at 18 Ill. Reg. 15851, effective

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OCT 15 1994 )

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1) Heading of the Part:

Skilled Nursing and Intermediate Care Facilities Code

2) Code Citation:

77 Ill. Adm. Code 300

3) Section Numbers:

300.630

300.1030

300.3260

Adopted Action:

Amendments

Amendments

Amendments

4) Statutory Authority:

Nursing Home Care Act

Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4151-101 et seq.

[210 ILCS 45]

5) Effective Date of Rules:

October 15, 1994

6) Does this Rulemaking Contain an Automatic Repeal Date? No

If "yes," please specify date:

7) Does this Rulemaking Contain Any Incorporations By Reference? No8) Date Filed in Agency's Principal Office:

October 15, 1994

9) Date Notice(s) of Proposal was Published in Illinois Register:

March 25, 1994 - 18 Ill. Reg. 4961

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? No

If "yes," please complete the following:

A) Statement of Objection: , Ill. Reg.B) Agency Response: , Ill. Reg.C) Date Agency Response Submitted for Approval to the Joint Committee:

## DEPARTMENT OF PUBLIC HEALTH

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11) Difference Between Proposal and Final Version:

The following changes were made in response to comments received during the first notice or public comment period:

No changes were made during the first notice period.

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

1. To delete the "/1" in the ILCS citation in Section 300.630(t) as it is not adopted language.
2. To state "untoward," not "ontoward" in Section 300.1030(a)(4).
3. To modify Section 300.1030(d) to state in part:

"When two or more staff are on duty in the facility, at least two staff people on duty in the facility shall have current certification in the provision of basic life support by an American Heart Association or American Red Cross certified training program. When there is only one person on duty in the facility, that person needs to be certified."

4. To change the citation of the end of Section 300.3260(e) to state: "(Section 2-201(4) of the Act)", as adopted language.

5. To underline the comma after "PUNDS" in the second line of Section 300.3260(f) and to delete the underline from the period in the fifth line.

6. To modify Section 300.3260(f)(3) when this rulemaking is adopted to include the date that these amendments become effective.

7. To include "SUCH REQUEST, TO PAY THE RESIDENT HIS ALLOWANCE, OR TO MAKE ANY" after "WAKE" and before "OTHER" in the fifth line of Section 300.3260(g).

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- 13) Will the Rules Replace an Emergency Rule Currently in Effect? No

- 14) Are there any other Amendments Pending on this Part? Yes

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
300.200	Amendments	18 Ill. Reg. 11873
300.270	Amendments	18 Ill. Reg. 11873
300.330	Amendments	18 Ill. Reg. 11873
300.680	Amendments	18 Ill. Reg. 11873
300.682	New Section	18 Ill. Reg. 11873
300.684	New Section	18 Ill. Reg. 11873
300.686	New Section	18 Ill. Reg. 11873
300.1040	Repealer	18 Ill. Reg. 11873
300.1210	Amendments	18 Ill. Reg. 11873
300.1620	Amendments	18 Ill. Reg. 11873
300.Appendix F	New Section	18 Ill. Reg. 11873

15) Summary and Purpose of Rules:

The rules in Part 300 govern the licensure of skilled nursing and intermediate care facilities in accordance with the requirements of the Nursing Home Care Act.

Section 300.630 - The Section concerning the contract between the resident and the facility is being amended to add language from Public Act 88-154 (House Bill 275), effective July 18, 1993. The language states: "No prior notice of termination of the contract shall be required, however, in the case of a resident's death."

Section 300.1030 - The Section concerning Medical Emergencies is being amended to clarify requirements for the number of employees who must be certified in basic life support by an American Heart Association or American Red Cross certified training program. The rules are being amended to reflect current certification requirements.

Section 300.3260 - The Section concerning Resident's Rights is being amended to reflect a statutory change. Public Act 87-1122 (effective September 16, 1992) amended Section 2-201 of the Nursing Home Care Act to change the requirements for securing residents' funds. The new language requires a facility to either purchase a surety bond or otherwise provide assurance satisfactory to the Departments of Public Health and Insurance that all residents' personal funds deposited with the facility are secure against loss, theft, and insolvency. Additional language indicates how the assurance of the security of residents' funds is to be provided. Statutory language is also added to subsection (b) to reflect an amendment to the Nursing Home Care Act.



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- 16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Ms. Gail DeVito, Division of Governmental Affairs, Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER C: LONG-TERM CARE FACILITIES

## PART 300

## SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE

## SUBPART A: GENERAL PROVISIONS

Section	
300.110	General Requirements
300.120	Application for License
300.130	Licensee
300.140	Issuance of an Initial License for a New Facility
300.150	Issuance of an Initial License Due to a Change of Ownership
300.160	Issuance of a Renewal License
300.165	Criteria for Adverse Licensure Actions
300.170	Denial of Initial License
300.175	Denial of Renewal of License
300.180	Revocation of License
300.190	Experimental Program Conflicting With Requirements
300.200	Inspections, Surveys, Evaluations and Consultation
300.210	Filing an Annual Attested Financial Statement
300.220	Information to Be Made Available to the Public By the Department
300.230	Information to Be Made Available to the Public By the Licensee
300.240	Municipal Licensing
300.250	Ownership Disclosure
300.260	Issuance of Conditional Licenses
300.270	Monitor and Receivership
300.271	Presentation of Findings
300.272	Determination to Issue a Notice of Violation or Administrative Warning
300.274	Determination of the Level of a Violation
300.276	Notice of Violation
300.277	Administrative Warning
300.278	Plans of Correction
300.280	Reports of Correction
300.282	Conditions for Assessment of Penalties
300.284	Calculation of Penalties
300.286	Determination to Assess Penalties
300.288	Reduction or Waiver of Penalties
300.290	Quarterly List of Violators
300.300	Alcoholism Treatment Programs In Long-Term Care Facilities
300.310	Department May Survey Facilities Formerly Licensed
300.320	Waivers
300.330	Definitions
300.340	Incorporated and Referenced Materials

## SUBPART B: ADMINISTRATION

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Section  
300.510 Administrator

Section  
300.610 Resident Care Policies  
300.620 Admission and Discharge Policies  
300.630 Contract Between Resident and Facility  
300.640 Residents' Advisory Council  
300.650 Personnel Policies  
300.655 Initial Health Evaluation for Employees  
300.660 Nursing Assistants  
300.665 Student Interns  
300.670 Disaster Preparedness  
300.680 Restraints and Safety Devices  
300.690 Serious Incidents and Accidents

## SUBPART C: POLICIES

## SUBPART D: PERSONNEL

Section  
300.810 General  
300.820 Categories of Personnel  
300.830 Consultation Services  
300.840 Personnel Policies

## SUBPART E: MEDICAL AND DENTAL CARE OF RESIDENTS

Section  
300.1010 Medical Care Policies  
300.1020 Communicable Disease Policies  
300.1025 Tuberculin Skin Test Procedures  
300.1030 Medical Emergencies  
300.1035 Life-Sustaining Treatments  
300.1040 Behavior Emergencies  
300.1050 Dental Standards

## SUBPART F: NURSING AND PERSONAL CARE

Section  
300.1210 General Requirements for Nursing and Personal Care  
300.1220 Supervision of Nursing Services  
300.1230 Staffing  
300.1240 Additional Requirements

## SUBPART G: RESIDENT CARE SERVICES

Section  
300.1410 Activity Program

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300.1420 Specialized Rehabilitation Services  
300.1430 Work Programs

Section  
300.1610 Medication Policies and Procedures  
300.1620 Conformance With Physician's Orders  
300.1630 Administration of Medication  
300.1640 Labeling and Storage of Medications  
300.1650 Control of Medications

## SUBPART H: MEDICATIONS

## SUBPART I: RESIDENT AND FACILITY RECORDS

Section  
300.1810 Resident Record Requirements  
300.1820 Content of Medical Records  
300.1830 Records Pertaining to Residents' Property  
300.1840 Retention and Transfer of Resident Records  
300.1850 Other Resident Record Requirements  
300.1860 Staff Responsibility for Medical Records  
300.1870 Retention of Facility Records  
300.1880 Other Facility Record Requirements

## SUBPART J: FOOD SERVICE

Section  
300.2010 Director of Food Services  
300.2020 Dietary Staff in Addition to Director of Food Services  
300.2030 Hygiene of Dietary Staff  
300.2040 Diet Orders  
300.2050 Adequacy of Diet and Meal Pattern  
300.2060 Therapeutic Diets  
300.2070 Scheduling Meals  
300.2080 Menu Planning  
300.2090 Food Preparation and Service  
300.2100 Food Handling Sanitation  
300.2110 Kitchen Equipment, Utensils, and Supplies

## SUBPART K: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

Section  
300.2210 Maintenance  
300.2220 Housekeeping  
300.2230 Laundry Services

## SUBPART L: FURNISHINGS, EQUIPMENT, AND SUPPLIES

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- 300.2410 Furnishings  
 300.2420 Equipment and Supplies  
 300.2430 Sterilization of Equipment and Supplies
- SUBPART M: WATER SUPPLY AND SEWAGE DISPOSAL
- Section  
 300.2610 Codes  
 300.2620 Water Supply  
 300.2630 Sewage Disposal  
 300.2640 Plumbing

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS  
 FOR NEW INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

- Section  
 300.2810 Applicability of These Standards  
 300.2820 Codes and Standards  
 300.2830 Preparation of Drawings and Specifications  
 300.2840 Site  
 300.2850 Administration and Public Areas  
 300.2860 Nursing Unit  
 300.2870 Dining, Living, Activities Rooms  
 300.2880 Therapy and Personal Care  
 300.2890 Service Departments  
 300.2900 General Building Requirements  
 300.2910 Structural  
 300.2920 Mechanical Systems  
 300.2930 Plumbing Systems  
 300.2940 Electrical Systems

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS  
 FOR EXISTING INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

- Section  
 300.3010 Applicability  
 300.3020 Codes and Standards  
 300.3030 Preparation of Drawings and Specifications  
 300.3040 Site  
 300.3050 Administration and Public Areas  
 300.3060 Nursing Unit  
 300.3070 Living, Dining, Activities Rooms  
 300.3080 Treatment and Personal Care  
 300.3090 Service Departments  
 300.3100 General Building Requirements  
 300.3110 Structural  
 300.3120 Mechanical Systems  
 300.3130 Plumbing Systems  
 300.3140 Electrical Requirements

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## SUBPART P: RESIDENT'S RIGHTS

- Section  
 300.3210 General  
 300.3220 Medical and Personal Care Program  
 300.3230 Restraints  
 300.3240 Abuse and Neglect  
 300.3250 Communication and Visitation  
 300.3260 Resident's Funds  
 300.3270 Residents' Advisory Council  
 300.3280 Contract With Facility  
 300.3290 Private Right of Action  
 300.3300 Transfer or Discharge  
 300.3310 Complaint Procedures  
 300.3320 Confidentiality  
 300.3330 Facility Implementation

## SUBPART Q: SPECIALIZED LIVING FACILITIES FOR THE MENTALLY ILL

- Section  
 300.3410 Application of Other Divisions of These Minimum Standards  
 300.3420 Administrator  
 300.3430 Policies  
 300.3440 Personnel  
 300.3450 Resident Living Services Medical and Dental Care  
 300.3460 Resident Services Program  
 300.3470 Psychological Services  
 300.3480 Social Services  
 300.3490 Recreational and Activities Services  
 300.3500 Individual Treatment Plan  
 300.3510 Health Services  
 300.3520 Medical Services  
 300.3530 Dental Services  
 300.3540 Optometric Services  
 300.3550 Audiometric Services  
 300.3560 Podiatric Services  
 300.3570 Occupational Therapy Services  
 300.3580 Nursing and Personal Care  
 300.3590 Resident Care Services  
 300.3600 Record Keeping  
 300.3610 Food Service  
 300.3620 Furnishings, Equipment and Supplies (New and Existing Facilities)  
 300.3630 Design and Construction Standards (New and Existing Facilities)

## SUBPART R: DAYCARE DAY CARE PROGRAMS

- Section  
 300.3710 Day Care in Long-Term Care Facilities



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APPENDIX A	Interpretation, Components, and Illustrative Services for Intermediate Care Facilities and Skilled Nursing Facilities
APPENDIX B	Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)
APPENDIX C	Federal Requirements Regarding Patients'/Residents' Rights
APPENDIX D	Forms for Day Care in Long-Term Care Facilities
APPENDIX E	Criteria for Activity Directors Who Need Only Minimal Consultation
TABLE A	Sound Transmission Limitations in New Skilled Nursing and Intermediate Care Facilities
TABLE B	Pressure Relationships and Ventilation Rates of Certain Areas for New Intermediate Care Facilities and Skilled Nursing Facilities
TABLE C	Construction Types and Sprinkler Requirements for Existing Skilled Nursing Facilities/Intermediate Care Facilities
TABLE D	Disaster Preparedness Parameters - Relative Humidity and Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4151-101 et seq.) [210 ILCS 45].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 1066, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 311, effective July 28, 1980; emergency amendment at 6 Ill. Reg. 3229, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6454, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 11631, effective September 14, 1982; amended at 6 Ill. Reg. 14550 and 14554, effective November 8, 1982; amended at 6 Ill. Reg. 14684, effective November 15, 1982; amended at 7 Ill. Reg. 285, effective December 22, 1982; amended at 7 Ill. Reg. 1972, effective January 28, 1983; amended at 7 Ill. Reg. 8579, effective July 11, 1983; amended at 7 Ill. Reg. 15831, effective November 10, 1983; amended at 7 Ill. Reg. 15864, effective November 15, 1983; amended at 7 Ill. Reg. 16992, effective December 14, 1983; amended at 8 Ill. Reg. 15599, 15603, and 15606, effective August 15, 1984; amended at 8 Ill. Reg. 15947, effective August 17, 1984; amended at 8 Ill. Reg. 16999, effective September 5, 1984; codified at 8 Ill. Reg. 19766; amended at 8 Ill. Reg. 24186, effective November 29, 1984; amended at 8 Ill. Reg. 24668, effective December 7, 1984; amended at 8 Ill. Reg. 25102, effective December 14, 1984; amended at 9 Ill. Reg. 132, effective December 26, 1984; amended at 9 Ill. Reg. 4087, effective March 15, 1985; amended at 9 Ill. Reg. 11049, effective July 1, 1985; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 12 Ill. Reg. 1052, effective December 24, 1987; amended at 12 Ill. Reg. 16811, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18477, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 4684, effective March 24, 1989; amended at 13 Ill. Reg. 5134, effective April 1, 1989; amended at 13 Ill. Reg. 20089, effective December 1, 1989; amended at 14 Ill. Reg. 14950, effective October 1, 1990; amended at 15 Ill. Reg. 554, effective January 1, 1991; amended at 16 Ill. Reg. 681, effective January 1, 1992; amended at 16 Ill. Reg. 5977, effective March 27, 1992; amended at 16

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Ill. Reg. 17089, effective November 3, 1992; emergency amendment at 17 Ill. Reg. 2420, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 8026, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15106, effective September 3, 1993; amended at 17 Ill. Reg. 16194, effective January 1, 1994; amended at 17 Ill. Reg. 19279, effective October 26, 1993; amended at 17 Ill. Reg. 19604, effective November 4, 1993; amended at 17 Ill. Reg. 21058, effective November 20, 1993; amended at 18 Ill. Reg. 1491, effective January 14, 1994; amended at 18 Ill. Reg. 15868, effective OCT 15 1994.

## SUBPART C: POLICIES

## Section 300.630 Contract Between Resident and Facility

## a) Contract Execution

1) Before a person is admitted to a facility, or at the expiration of the period of previous contract, or when the source of payment for the resident's care changes from private to public funds or from public to private funds, a written contract shall be executed between a licensee and the following in order of priority:

- The person, or if the person is a minor, his parent or guardian; or
- The person's guardian, if any, or agent, if any, as defined in Section 11a-23-of-the-Probate-Act-of-1975, as-amended-hereafter--amended; 2-3 of the Illinois Power of Attorney Act; or
- A member of the person's immediate family. (Section 2-202(a) of the Act)

2) An adult person shall be presumed to have the capacity to contract for admission to a long-term care facility unless he has been adjudicated a "disabled person" within the meaning of Section 11a-2 of the Probate Act of 1975, as-amended-hereafter--amended, or unless a petition for such an adjudication is pending in a circuit court of Illinois. (Section 2-202(a) of the Act)

3) If there is no guardian, agent or member of the person's immediate family available, able or willing to execute the contract required by Section 2-202 of the Act and a physician determines that a person is so disabled as to be unable to consent to placement in a facility, or if a person has already been found to be a "disabled person," but no order has been entered allowing residential placement of the person, that person may be admitted to a facility before the execution of a contract required by that Section; provided that a petition for guardianship or for modification of guardianship is filed within 15 days of the person's admission to a facility, and provided further that such a contract is executed within ten days of the disposition of the petition. (Section 2-202(a) of the Act)

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## NOTICE OF ADOPTED AMENDMENTS

- 4) No adult shall be admitted to a facility if he objects, orally or in writing, to such admission, except as otherwise provided in Chapters III and IV of the Mental Health and Developmental Disabilities Code--*as-amended*, or Section 11a-14.1 of the Probate Act of 1975--*as-amended*. (Section 2-202(a) of the Act)
- 5) If on the effective date of this Part, a person has not executed a contract as required by Section 2-202 of the Act, then such a contract shall be executed by, or on behalf of, the person, within ten days of the effective date of this Part, unless a petition has been filed for guardianship or modification of guardianship. If a petition for guardianship or modification of guardianship has been filed, and there is no guardian, agent or a member of the person's immediate family available, able, or willing to execute the contract at that time, then a contract shall be executed within ten days of the disposition of such petition.
- b) The contract shall be clearly and unambiguously entitled, "Contract Between Resident and (name of facility)."
- c) Before a licensee (any facility licensed under the Act) enters a contract under Section 2-202 of the Act, it shall provide the prospective resident and his guardian, if any, with written notice of the licensee's policy regarding discharge of a resident whose private funds for payment of care are exhausted. (Section 2-202(a) of the Act)
- d) A resident shall not be discharged or transferred at the expiration of the term of a contract, except as provided in Sections 3-401 through 3-423 of the Act. (Section 2-202(b) of the Act)
- e) At the time of the resident's admission to the facility, a copy of the contract shall be given to the resident, his guardian, if any, and any other person who executed the contract. (Section 2-220(c) of the Act)
- f) The contract shall be signed by the licensee or his agent. The title of each person signing the contract for the facility shall be clearly indicated next to each such signature. The nursing home administrator may sign as the agent of the licensee.
- g) The contract shall be signed by, or for, the resident, as described in subsection (a) of this Section. If any person other than the principal signatory is to be held individually responsible for payments due under the contract, that person shall also sign the contract on a separate signature line labelled "signature of responsible party" or "signature of guarantor."
- h) The contract shall include a definition of "responsible party" or "guarantor," which describes in full the liability incurred by any such person.
- i) A copy of the contract for a resident who is supported by nonpublic funds other than the resident's own funds shall be made available to the person providing the funds for the resident's support. (Section 2-202(d) of the Act)
- j) The original or a copy of the contract shall be maintained in the facility and be made available upon request to representatives of the Department and the Department of Public Aid. (Section 2-202(e) of the

## DEPARTMENT OF PUBLIC HEALTH

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- k) The contract shall be written in clear and unambiguous language and shall be printed in not less than 12 point type. (Section 2-202(f) of the Act)
- l) The contract shall specify the term of the contract. (Section 2-202(g)(1) of the Act) The term can be until a certain date or event. If a certain date is specified in the contract, an addendum can extend the term of the contract to another date certain or on a month-to-month basis.
- m) The contract shall specify the services to be provided under the contract and the charges for the services. (Section 2-202(g)(2) of the Act) A paragraph shall itemize the services and products to be provided by the facility and express the costs of the itemized services and products to be provided either in terms of a daily, weekly, monthly or yearly rate, or in terms of a single fee. The contract may provide that the charges for services may be changed with thirty (30) days advance written notice to the resident or the person executing the contract on behalf of the resident. The resident or the person executing the contract on behalf of the resident may either assent to the change or choose to terminate the contract at any time within 30 days of the receipt of the written notice of the change. The written notice shall become an addendum to the contract.
- n) The contract shall specify the services that may be provided to supplement the contract and the charges for the services. (Section 2-202(g)(3) of the Act)
- 1) A paragraph shall itemize all services and products offered by the facility or related institutions which are not covered by the rate or fee established in subsection (m) of this Section. If a separate rate or fee for any such supplemental service or product can be calculated with definiteness at the time the contract is executed, then such additional cost shall be specified in the contract.
- 2) If the cost of any itemized service or product to be provided to the resident by the facility or related institutions cannot be established or predicted with definiteness at the time of the resident's admission to the facility or at the time of the execution of the contract, then no cost for that service or product need be stated in the contract. But the contract shall include a statement explaining the resident's liability for such itemized service or product and explaining that the resident will be receiving a bill for such itemized service or product beyond and in addition to any rate or fee set forth in the contract.
- 3) The contract may provide that the charges for services and products not covered by the rate or fee established in subsection (m) may be changed with thirty (30) days advance written notice to the resident or the person executing the contract on behalf of the resident. The resident or the person executing the contract on behalf of the resident may either assent to the change or choose to terminate the contract at any time within 30



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

days of the receipt of the written notice of the change. The written notice shall become an addendum to the contract.

o) ~~The contract shall specify the sources liable for payment due under the contract.~~ (Section 2-202(g)(4) of the Act)

p) ~~The contract shall specify the amount of deposit paid.~~ (Section 2-202(g)(5) of the Act) Such amount shall be expressed in terms of a precise number of dollars and be clearly designated as a deposit. The contract shall specify when such deposit shall be paid by the resident, and the contract shall specify when such deposit shall be returned by the facility. The contract shall specify the conditions (if any) which must be satisfied by the resident before the facility shall return the deposit. Upon the satisfaction of all such conditions, the deposit shall be returned to the resident. If the deposit is nonrefundable, the contract shall provide express notice of such nonrefundability.

q) ~~The contract shall specify the rights, duties and obligations of the resident, except that the specification of a resident's rights may be furnished on a separate document which complies with the requirements of Section 2-211 of the Act.~~ (Section 2-202(g)(6) of the Act)

r) ~~the contract shall designate the name of the resident's representative, if any. The contract shall provide the facility with a copy of the written agreement between the resident and the resident's representative which authorizes the resident's representative to inspect and copy the resident's records and authorizes the resident's representative to execute the contract on behalf of the resident required by Section 2-202 of the Act.~~ (Section 2-202(h) of the Act)

s) ~~The contract shall provide that if the resident is compelled by a change in physical or mental health to leave the facility, the contract and all obligations under it shall terminate on seven days notice. No prior notice of termination of the contract shall be required, however, in the case of a resident's death. The contract shall also provide that in all other situations, a resident may terminate the contract and all obligations under it with 30 days notice. All charges shall be prorated as of the date on which the contract terminates, and, if any payments have been made in advance, the excess shall be refunded to the resident. This provision shall not apply to life-care contracts through which a facility agrees to provide maintenance and care for a resident throughout the remainder of the resident's life nor to continuing-care contracts through which a facility agrees to supplement all available forms of financial support in providing maintenance and care for a resident throughout the remainder of the resident's life.~~ (Section 2-202(i) of the Act)

t) All facilities which offer to provide a resident with nursing services, medical services or personal care services, in addition to maintenance services, conditioned upon the transfer of an entrance fee to the provider of such services in addition to or in lieu of the payment of regular periodic charges for the care and services

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involved, for a term in excess of one year or for life pursuant to a life care contract, shall meet all of the provisions of the Life Care Facilities Act, (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4160-1 et seq.) [210 ILCS 40], including the obtaining of a permit from the Department, before they may enter into such contracts. (Section 2(c) of the Life Care Facilities Act)

u) ~~In addition to all other contract specifications contained in this Section, admission contracts shall also specify:~~

1) ~~whether the facility accepts Medicaid clients;~~

2) ~~whether the facility requires a deposit of the resident or his family prior to the establishment of Medicaid eligibility;~~

3) ~~in the event that a deposit is required, a clear and concise statement of the procedure to be followed for the return of such deposit to the resident or the appropriate family member or guardian of the person;~~

4) ~~that all deposits made to a facility by a resident, or on behalf of a resident, shall be returned by the facility within 30 days of the establishment of Medicaid eligibility, unless such deposits must be drawn upon or encumbered in accordance with Medicaid eligibility requirements established by the Illinois Department of Public Aid.~~ (Section 2-202(j) of the Act)

v) ~~It shall be a business offense for a facility to knowingly and intentionally both retain a resident's deposit and accept Medicaid payments on behalf of the resident.~~ (Section 2-202(k) of the Act)

(Source: Amended at 18 Ill. Reg. 15865, effective OCT 15 1994 )

## SUBPART E: MEDICAL AND DENTAL CARE OF RESIDENTS

## Section 300.1030 Medical Emergencies

a) The advisory physician or medical advisory committee shall develop policies and procedures to be followed during the various medical emergencies that may occur from time to time in long-term care facilities. These medical emergencies include, but are not limited to, such things as:

1) Pulmonary emergencies (for example, airway obstruction, foreign body aspiration, and acute respiratory distress, failure, or arrest).

2) Cardiac emergencies (for example, ischemic pain, cardiac failure, or cardiac arrest).

3) Traumatic injuries (for example, fractures, burns, and lacerations).

4) Toxicologic emergencies (for example, untoward drug reactions and overdoses).

5) Other medical emergencies (for example, convulsions and shock).

(A, B)

b) The facility shall maintain in a suitable location the equipment to be



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- used during these emergencies. This equipment shall include at a minimum the following: a portable oxygen kit, including a face mask and/or cannula; an airway; and bag-valve mask manual ventilating device. (B)
- c) There shall be at least one staff person on duty at all times who has been properly trained to handle the medical emergencies in subsection (a) of this Section. This staff person may also be conducted in fulfilling the requirement of subsection (d) of this Section, if the staff person meets the specified certification requirements. (B)
- d) ~~When a facility has only one employee on duty, that employee shall have been certified within the past twelve months. When two or more staff are on duty in the facility, at least two staff people on duty in the facility shall have current certification in the provision of basic life support by an American Heart Association or American Red Cross certified training program. When there is more than only one person on duty in the facility, at least two of the people on duty shall that person needs to be so certified. Any facility employee who is on duty in the facility may be utilized to meet this requirement.~~

(Source: ~~amended~~ at 18 Ill. Reg. 15868, effective October 1, 1994)

## SUBPART P: RESIDENT'S RIGHTS

## Section 300.3260 Resident's Funds

- a) A resident shall be permitted to manage his own financial affairs unless he or his guardian or if the resident is a minor, his parent, authorizes the administrator of the facility in writing to manage such resident's financial affairs under ~~subsections (b) through (f) of this Section~~ subsections (b) through (c) of this Section. (Section 2-102 of the Act)
- b) The facility shall at the time of admission, provide in order of priority, each resident, or the resident's guardian, if any, or the residents representative, if any, or the resident's immediate family member, if any, with a written statement explaining to the resident and the resident's spouse their spousal impoverishment rights as defined at Section 5-4 of the Illinois Public Aid Code, and at Section 303 of Title III of the Medicare Catastrophic Coverage Act of 1988 (P.L. 100-360), and the resident's rights regarding personal funds and listing the services for which the resident will be charged, and. The facility shall obtain a signed acknowledgement from each resident or the resident's representative, if any, or the resident's immediate family member, if any, that such person has received the statement. (Section 2-201(1) of the Act)
- c) The facility may accept funds from a resident for safekeeping and managing, if it receives written authorization from, in order of priority, the resident or the resident's guardian, if any, or the resident's representative, if any, or the resident's immediate family

## DEPARTMENT OF PUBLIC HEALTH

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- member, if any; such authorization shall be attested to by a witness who has no pecuniary interest in the facility or its operations, and who is not connected in any way to facility personnel or the administrator in any manner whatsoever. (Section 2-101(2) of the Act)
- d) The facility shall maintain and allow, in order of priority, each resident or the resident's guardian, if any, or the resident's representative, if any, or the resident's immediate family member, if any, access to a written record of all financial arrangements and transactions involving the individual resident's funds. (Section 2-201(3) of the Act)
- e) The facility shall provide, in order of priority, each resident, or the resident's guardian, if any, or the resident's representative, if any, or the resident's immediate family member, if any, with a written itemized statement at least quarterly, of all financial transactions involving the resident's funds. (Section 2-201(4) of the Act)
- f) The facility shall purchase a surety bond to ~~guarantee the security of resident's funds~~, or otherwise provide assurance satisfactory to the Departments of Public Health and Insurance that all residents' personal funds deposited with the facility are secure against loss, theft, and insolvency. (Section 2-201(5) of the Act)

1) If a surety bond is secured, it must be issued by a company licensed to do business in Illinois, the amount of bond must be equal to or greater than all resident funds managed by the facility, and the obligee named in the bond must be the Illinois Department of Public Health or its assignees.

2) If an alternative to a surety bond is secured, the alternative must provide a protection equivalent to that afforded by a surety bond. To be acceptable, the alternative must have a person(s) or entity(ies) designated who can collect in case of loss (e.g., residents, the Department). The alternative must also provide a guarantee that lost funds will be repaid. The guarantee may be made either by an independent entity (e.g., a bank) or the facility. If the facility provides the guarantee, it must be backed by facility money at least equal to resident funds. This money must be reserved solely for the purpose of assuring the security of resident funds. Two examples of acceptable alternatives to surety bonds are letters of credit and self-insurance. Both surety bonds and alternatives must protect the full amount of residents' funds deposited with the facility.

3) Any alternative to a surety bond shall be submitted to the Department for review and approval. Alternatives that meet the requirements of this Section and were in place prior to October 1, 1994, must be submitted to the Department for review and approval within 120 days after October 1, 1994.

g) The facility shall keep any funds received from a resident for safekeeping in an account separate from the facility's funds, and shall at no time withdraw any part or all of such funds for any purpose other than to return the funds to the resident upon the request of the resident or any other person entitled to make such

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- request, to pay the resident his allowance, or to make any other payment authorized by the resident or any other person entitled to make such authorization. (Section 2-201(6) of the Act)
- h) The facility shall deposit any funds received from a resident in excess of \$100 in an interest bearing account insured by agencies of, or corporations chartered by, the State or Federal government. The account shall be in a form which clearly indicates that the facility has only a fiduciary interest in the funds and any interest from the account shall accrue to the resident. (Section 2-201(7) of the Act)
- i) The facility may keep up to \$100 of a resident's money in a non-interest bearing account or petty cash fund, to be readily available for the resident's current expenditures. (Section 2-201(7) of the Act)
- j) The facility shall return to the resident, or the person who executed the written authorization required in subsection (c) of this Section, upon written request, all or any part of the resident's funds given the facility for safekeeping, including the interest accrued from deposits. (Section 2-201(8) of the Act)
- k) The facility shall place any monthly allowance to which a resident is entitled in that resident's personal account, or give it to the resident, unless the facility has written authorization from the resident or the resident's guardian, or if the resident is a minor, his parent, to handle it differently. (Section 2-2-1(9) of the Act)
- l) Unless otherwise provided by State law, the facility shall upon the death of a resident provide the executor or administrator of the resident's estate with a complete accounting of all the resident's personal property, including any funds of the resident being held by the facility. (Section 2-201(10) of the Act)
- m) If an adult resident is incapable of managing his funds and does not have a resident's representative, guardian, or an immediate family member the facility shall notify the Office of the State Guardian of the Guardianship and Advocacy Commission. (Section 2-201(11) of the Act)
- n) If the facility is sold, the seller shall provide the buyer with a written verification by a public accountant of all residents' monies and properties being transferred, and obtain a signed receipt from the new owner. (Section 2-201(12) of the Act)
- o) The facility shall take all steps necessary to ensure that a personal needs allowance that is placed in a resident's personal account is used exclusively by the resident or for the benefit of the resident. Where such funds are withdrawn from the resident's personal account by any person other than the resident, the facility shall require such person to whom funds constituting any part of a resident's personal needs allowance are released to execute an affidavit that such funds shall be used exclusively for the benefit of the resident. (Section 2-201(9)(b) of the Act)- "personal needs allowance," for the purposes of this subsection, refers to the monthly allowance allotted by the Illinois Department of Public Aid to public aid recipients.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 18 Ill. Reg. 15868, effective  
Oct 15 1994)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part:  
Assessing Laboratory Fees for Toxicologic Analysis
- 2) Code Citation:  
77 Ill. Adm. Code 475
- | Section Numbers: | Emergency Action: |
|------------------|-------------------|
| 475.20           | Amendment         |
| 475.30           | Amendment         |
| 475.40           | Amendment         |
| 475.50           | Amendment         |
- 4) Statutory Authority:  
Implementing and authorized by Section 55.09 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 55.09) [20 ILCS 2310/55.09].

- 5) Effective Date of Emergency Amendments:

October 12, 1994

- 6) If this Emergency Amendment is to Expire Before the End of the 150-Day Period, Please Specify the Date on Which it is to Expire:

Not Applicable

- 7) Date Filed in Agency's Principal Office:

October 12, 1994

- 8) Reason for Emergency:

The Department has just completed a statewide random survey of private water wells which has revealed that over 40% are contaminated with coliforms, an indicator of bacterial contamination from surface water or soil. In response, the Department has issued a press release advising the public that all private water wells should be tested at least annually and disinfected, retested and repaired/replaced, where necessary. For certain groups, i.e., infants under six months of age, the immune suppressed, and chronically ill, the Department has advised them not to drink their well water until they have tested it to assure it is free from bacterial contamination.

The results of this statewide survey and the Department's press release regarding it are expected to generate an increased demand for private

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

water well testing. Although such testing is available at many local health departments and private laboratories, prices vary and some areas of the state report a shortage of such services. In order to ensure that laboratory testing is readily available, the Department proposes to offer such bacteriological analysis of private water well samples for a fee of \$10.00 per sample submitted. This fee simply covers the cost of the Department's materials and labor to perform such tests.

This fee must be implemented in an emergency manner in order to offer the state laboratories' services to the public in a timely fashion. The Department could not anticipate the results of the statewide water well survey, which was only recently completed. In view of the results of this survey, however, the Department cannot wait to warn the public of the potential hazards from private water wells. This release of the survey results and the Department's advisory will generate an immediate demand for water well testing, and the Department needs to ensure that this demand is met because of the urgency of testing.

Water well testing is not required, and there are alternatives to submitting water samples to the Department's laboratories. For those individuals that would like to submit samples to the Department, however, the Department must receive a fee to cover its added cost of analyzing the sample.

- 9) A Complete Description of the Subjects and Issues Involved:

These emergency amendments specify that a \$10.00 fee will be assessed for each water well sample submitted to the Department for bacteriologic analysis. The amendments specify circumstances under which the fee will be waived and provide information concerning the payment of fees to the Department.

- 10) Are There Any Proposed Amendments Pending on this Part? No

- 11) Statement of Statewide Policy Objectives:

These emergency amendments will not require any new expenditures by units of local government. They may be supported by some units of local government that offer water testing services for a fee. Such local units of government have argued in the past that the Department should not offer private water well testing services without charging a fee, because it places the Department in direct competition with them.

- 12) Information and Questions Regarding these Emergency Amendments shall be directed to:

Gail M. DeVito  
535 West Jefferson, Fifth Floor  
Springfield, Illinois 62761



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF EMERGENCY AMENDMENTS

217/782-6187

The full text of the Emergency Amendments begins on the next page.

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF EMERGENCY AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER d: LABORATORIES AND BLOOD BANKS

PART 475

ASSESSING LABORATORY SERVICE FEES FOR TOXICOLOGIC ANALYSIS

Section	
475.10	Definitions
475.20	Submission of Samples
EMERGENCY	
475.30	Statement of Fee Assessment
EMERGENCY	
475.40	Payment of Fees
EMERGENCY	
475.50	Failure of Payment
EMERGENCY	

AUTHORITY: Implementing and authorized by Section 55.09 of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 55.09) [20 ILCS 2310/55.09].

SOURCE: Adopted and codified at 7 Ill. Reg. 1988, effective January 27, 1983; emergency amendment at 18 Ill. Reg. **15887**, effective October 12, 1994, for a maximum of 150 days.

Section 475.20 Submission of Samples  
EMERGENCY

Each person who submits to the Department any sample for:

a) toxicologic analysis for the detection of and/or quantitation of drugs, poisons, or chemicals shall pay a flat fee of \$125.00 for such analysis unless:

a1) Such sample is submitted for analysis by a law enforcement agency pursuant to (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 11-501.2) [625 ILCS 5/11-501.2].

b2) Such sample is submitted for analysis by a coroner pursuant to (Ill. Rev. Stat. 1991, ch. 34, par. 3-3013) [55 ILCS 5/3-3013]

in cases of accidental death involving a motor vehicle in which the decedent was

†††A) the operator or a suspected operator of a motor vehicle,

or

†††B) a pedestrian 16 years of age or older<sup>u</sup>.

c3) Such sample is submitted for analysis for chemicals found in environmental sources or tested in support of programs designed to evaluate environmental sources. The standards and criteria used for exception of samples will include the purpose of collection and the environmental origin of the samples submitted,

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

such as water, soil, air, food, etc.

- a) Such sample is submitted for analysis by any other state agency.  
 b) bacteriologic analysis of water for the detection of coliforms and fecal coliforms shall pay a flat fee of \$10.00 for such analysis unless such specimen is submitted by a local health department that has entered into a potable water program agreement with the Department, under the following circumstances:

- 1) For a new water well that has been inspected by the local health department;
- 2) For a water well serving an infant under six months of age;
- 3) In investigating a suspected waterborne illness.

(Source: Emergency amendment at 18 Ill. Reg. 15887, effective October 12, 1994, for a maximum of 150 days.)

#### Section 475.30 Statement of Fee Assessment EMERGENCY

Fees for laboratory analyses shall be paid prior to services being provided unless the submitter is a local health department or prior arrangements are made with the Department to bill the person submitting the specimen(s). Payment shall be made prior to submitting the specimen or shall accompany the specimen. For local health departments or other persons with approval from the Department to submit specimens without advance or accompanying payment, statements of fee assessment shall be mailed or otherwise delivered to persons submitting samples for analysis monthly or quarterly as determined by the Director, depending on number of samples or other circumstances unique to the testing.

(Source: Emergency amendment at 18 Ill. Reg. 15887, effective October 12, 1994, for a maximum of 150 days.)

#### Section 475.40 Payment of Fees EMERGENCY

Persons submitting samples for analysis ~~(General Unknowns)~~ shall either pay for the service in advance or submit the necessary fee with the specimen, unless the submitter is a local health department or arrangements have been made with the Department to bill the submitter for the services. For local health departments and other persons that are approved to submit specimens without advance or accompanying payment, the submitter shall render payment of fees assessed upon receipt of a statement of fee assessment. Receipt of statements of fee assessment shall be presumed.

(Source: Emergency amendment at 18 Ill. Reg. 15887, effective October 12, 1994, for a maximum of 150 days.)

#### Section 475.50 Failure of Payment EMERGENCY

## DEPARTMENT OF PUBLIC HEALTH

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- a) For local health department and other persons approved to submit specimens without advance or accompanying payment, failure ~~Failure~~ of payment within three months of assessment shall be grounds for the Department to refuse future samples from persons in arrears.  
 b) The fee for a dishonored, negotiable instrument including, but not limited to, returned checks or insufficient payment shall be \$10.00.

(Source: Emergency amendment at 18 Ill. Reg. 15887, effective October 12, 1994, for a maximum of 150 days.)

## STATE BOARD OF EDUCATION

## NOTICE OF PUBLIC INFORMATION

## STATE PLAN

## FOR

## FISCAL YEARS 1996-98

## Under Part B of the Individuals with Disabilities Education Act

Illinois State Board of Education  
Department of Special Education

Michael Skarr, Chairperson  
State Board of Education

Joseph A. Spagnolo  
State Superintendent of Education

## STATE PLAN FOR FISCAL YEARS 1996-98

## Under Part B of the Individuals with Disabilities Education Act

Pursuant to the School Code 14 - 3.03 the State Plan will be published in the Illinois Register prior to its submission to the United States Secretary of Education

October 1, 1992

## PLEASE NOTE:

This copy of the approved Fiscal Years 1993-95 State Plan for Part B of the Individuals with Disabilities Education Act is for your review and future reference. This copy of the State Plan contains communications and assurances from the Illinois State Board of Education to the United States, Office of Special Education Programs which have been appended to the original document.

If you have any questions regarding the State Plan, please contact Gloria Harrison at 217/782-6601 or Special Net IL-SE.

Submission Document Related to Timely Review of  
FY 1996-98 Part B State Plan

ED/OSERS/OSEP

June 1994

SUBMISSION DOCUMENT RELATED TO TIMELY REVIEW OF  
FY 1996-98 PART B STATE PLAN

## A. ASSURANCE

The State of Illinois assures that, except for the items listed under section B (Page 2) and Section C (page 4) of this document, the policies and procedures included in the State's FY 1996-98 State Plan under Part B of the Individuals with Disabilities Education Act (Part B), including amendments to the plan that were added by Public Laws

## STATE BOARD OF EDUCATION

## NOTICE OF PUBLIC INFORMATION

101-476 and 102-119 (as required in OSEP Memorandum 93-3), have not changed since being approved by the Office of Special Education and Rehabilitative Services (OSERS) as part of the State's FY 1993-95 Part B State Plan. The State further assures that this completed submission document was included with the FY 1996-98 State Plan when made available to the general public for comment as part of the public participation requirements at Sections 300.280-300.284.

Signature of Authorized Official

Date

Typed Name and Title



## STATE BOARD OF EDUCATION

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## B. ITEMS IN FY 1996-98 PLAN -- NOT INCLUDED IN FY 1993-96 PLAN

**Instructions:** List each policy and procedure in the State's FY 1996-98 Part B State Plan that is new (i.e., any item (1) that was not included in the State's FY 1993-95 Plan, or was amended after the FY 1993-95 Plan was approved, and (2) that has not been approved by the office of Special Education and Rehabilitative Services (OSERS). If more than one change has been made under a given item, include a separate line for each change under that item.

(A) Part B Requirement	(B) Plan Page/Para	(C) Regulations Page/Cite
I. Right to Education Policy Statement	No Change	
II. Full Educational Opportunities Goal	No Change	
III. Child Identification	No Change	
IV. Individualized Education Program	No Change	
V. Procedural Safeguards	No Changes	
VI. Confidentiality	No Changes	
VII. Least Restrictive Environment	No Changes	
VIII. Protection in Evaluation	No Changes	
IX. Responsibility of SEA for Education Programs	No Changes	

## STATE BOARD OF EDUCATION

## NOTICE OF PUBLIC INFORMATION

X. Comprehensive System of Personnel Development	88/1 insert: The Department of Special Education views personnel preparation as a single system of life long training and learning--from the time a young person enters college in the teacher preparation program, following through the teaching years until he or she retires. The Department of Special Education will model the single system of educator training through the restructuring of the HEAC and CSPD into a single advisory committee to this Department.
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## STATE BOARD OF EDUCATION

## NOTICE OF PUBLIC INFORMATION

(A) Part B Requirement	(B) Plan Page/Para	(C) Regulations Page/Cite
XI Participation of Private School Children	97/2 and 3 add: 23 Ill. Adm. Code 401 Subpart A, B and C	New Rules Part 401 Non public Special Education Facilities Subpart A, B and C (Result of OCR Findings)
XII. Recovery of Funds for Misclassified Children	No Changes	
XIII. Notice and Opp'ty for Hearing on LEA Application	No Changes	
XIV. Annual Evaluation	No Changes	
XV. Description of Use of Part B Funds	No Changes	
XVI. Additional Information	No Changes	
XVII. Interagency Agreements	122/1, part 3 insert: Formal interagency agreements or Memorandum of Understanding have been signed with the following State agencies: Department of Public Health, Department of Public Aid, Department of Children and Family Services,	

## STATE BOARD OF EDUCATION

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XVII. Interagency Agreements (contd.)	<p>Department of Rehabilitation Services, Department of Mental Health and Developmental Disabilities, Department of Alcoholism and Substance Abuse and the University of Illinois/Division of Specialized Care for Children.</p> <p>122/1, part 5 insert: A Memorandum of Agreement among the Illinois State Board of Education, the Illinois Head Start Association and the Administration for Children and Families was developed in 1991 and reviewed and amended in 1994. The purpose of the agreement is to build upon successful collaborative linkages between these three parties and to promote the development of a statewide, comprehensive, coordinated, multidisciplinary, interagency service delivery system for preschool children from birth until age 6 and their families</p>
--	--

C. ITEMS IN FY 1993-95 PLAN -- NOT INCLUDED IN FY 1996-98 PLAN

**Instructions:** List each policy and procedure that was included in the State's FY 1993-95 Part B State Plan -- but has been omitted from the State's FY 1996-98 Plan. If more than one change has been made under a given item, include a separate line for each change under that item.

XVIII. Personnel Standards	127/3 add: The current special education approval requirements are delineated in the <i>Instructions for Special Education Personnel Approval</i> and the <i>Special Education Certification and Approval Requirements and Procedures</i> .	
XIX. Preschool Grant	No Changes	

I. Right to Education Policy Statement	No Changes	
II. Full Educational Opportunities Goal	No Changes	
III. Child Identification	No Changes	
IV. Individualized Education Program	No Changes	
V. Procedural Safeguards	No Changes	
VI. Confidentiality	No Changes	
VII. Least Restrictive Environment	No Changes	
VIII. Protection in Evaluation	No Changes	
IX. Responsibility of SEA for Education Programs	No Changes	
X. Comprehensive System of Personnel Development	88/1 and 2 delete: paragraphs 1 and 2	



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STATE BOARD OF EDUCATION  
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UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

(A) Part B Requirement	(B) Plan Page/Para	(C) Regulations Page/Cite
XI. Participation of Private School Children	No Changes	
XII. Recovery of Funds for Misclassified Children	No Changes	
XIII. Notice and Opp'ty for Hearing on LEA Application	No Changes	
XIV. Annual Evaluation	No Changes	
XV. Description of Use of Part B Funds	No Changes	
XVI. Additional Information	No Changes	
XVII. Interagency Agreements	No Changes	
XVIII. Personnel Standards	127/4 and 5 128 delete: paragraphs 4 and 5 on page 127 and page 128.	
XIX. Preschool Grant	No Changes	

Honorable Robert Leininger  
Superintendent of Public Instruction  
State Board of Education  
100 North First Street  
Springfield, Illinois 62777

Dear Superintendent Leininger:

I am pleased to inform you that Illinois' State Plan for fiscal years (FY) 1993-95 under Part B of the Individuals with Disabilities Education Act (Part B) has been conditionally approved. Therefore, it is my pleasure to enclose your State's Part B grant award for FY 1993.

Our conditional approval of your State Plan is based on our review and acceptance of the following documents submitted by the Illinois State Board of Education (ISBE) to the Office of Special Education Programs (OSEP):

- (1) The Part B State Plan for FY 1993-95, including documentation that your State has in effect a policy which assures the availability of a free appropriate public education for all children with disabilities, aged 3 through 5;
- (2) The September 10, 1992 letter from ISBE to OSEP, in which ISBE assures that as soon as possible, but no later than July 1, 1993, it will complete all of the regulatory and corresponding State Plan changes set forth in OSEP's August 3, 1992 document to ISBE.

In the September 10 letter, ISBE also assures that it will take steps to ensure that, throughout the period of this FY 1993 grant award, all public agencies in the State that provide special education and related services to children with disabilities will operate their programs in a manner fully consistent with Part B, including those areas in which the current state regulations do not conform to the Part B requirements. ISBE further assures that, no later than ten days after the receipt of OSEP's formal approval letter, it will (a) send a memorandum to those agencies informing them that they must operate their programs in a manner fully consistent with Part B, and (b) simultaneously submit a copy of that memorandum to OSEP.

- (3) Your signed assurance statement regarding implementation of the new Part B State Plan requirements that were added by P.L. 101-476 and P.L. 102-119.

Page 2 - Honorable Robert Leininger

The three documents identified in the preceding paragraph, together with this conditional approval letter, collectively constitute Illinois' conditionally

## STATE BOARD OF EDUCATION

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approved Part B State Plan for FY 1993-95. Therefore, the above-referenced documents and this conditional approval letter must be appended to your copies of the FY 1993-95 State Plan. ISBE must indicate in the beginning of the Plan that these documents have been placed in an appendix.

As part of its FY 1993-95 Part B State Plan, your agency has made assurances required by 34 CFR Section 76.101, including the following: (1) "the State agency has the authority under State law to perform the functions of the State under the [Part B] program;" and (2) "the Plan is the basis for State operation and administration of the program" (see 34 CFR Sections 76.104(a) (2) and 76.104 (a) (8)). The enclosed Part B grant award for FY 1993 is made with the understanding that the assurances made by your agency pursuant to 34 CFR 76.104 mean that your agency has, and will exercise, the authority to ensure that all public agencies in the State comply with all provisions of the plan; and that those agencies have been informed that they must comply with any additional requirements that your agency has established in the plan that are not also set forth in State statute or regulation.

I would like to remind you of the post-approval notification-provision in 34 CFR Section 300.284, which requires your agency to "give notice in newspapers or other media, or both, that the plan is approved. The notice must name places throughout the State where the plan is available for access by any interested persons." Once the notice has been published, a copy should be submitted to OSEP.

The following paragraphs describe the actions that your agency must take to enable the State Plan to move from conditional to full approval:

As soon as your agency has prepared drafts of the revised State Plan documents, copies of those documents (e.g., proposed regulations) should be submitted to OSEP for review to ensure that they meet all of the conditions necessary for full approval.

Where your agency has assured OSEP that it will amend its regulations, the State Plan also must be amended so that it is consistent with the regulations and statute. In addition, your agency must revise its monitoring system to ensure compliance with the amendments.

Page 3 - Honorable Robert Leininger

Where amendments to the plan are necessary because of regulatory changes, your agency may either insert each of the amendments in the appropriate section of the plan, or append the amendments to the plan. If your agency chooses to append some or all of the amendments, it must indicate in the beginning of the plan that such amendments have been placed in an appendix.

As soon as possible, but no later than July 1, 1993, your agency must provide OSEP with copies of all amended State Plan documents,

## STATE BOARD OF EDUCATION

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including the revised regulations that have been adopted by the State Board of Education, and the required amendments to the monitoring system.

Once a determination has been made that your State Plan meets all of the conditions necessary for full approval, we will send you a formal notice of our approval. Your agency then must (1) formally notify public agencies and other interested parties throughout the State that the amended documents have been approved, and (2) make the entire plan, as amended, available to parents and other members of the general public.

Your State's Part B grant award for FY 1994 (i.e., the grant period beginning July 1, 1993) will be issued as funds become available for obligation at the Federal level, and if, in addition to meeting the conditions noted above, the following criteria are met:

- (1) The State meets the conditions of eligibility required under section 612 of the Act, including having in effect an approved Part B State Plan for the period of the FY 1994 award;
- (2) Your agency submits amendments to the Part B State Plan to conform to the changes required by P.L. 101-476 and P.L. 102-119 and those amendments are approved by OSEP; and
- (3) Your agency provides OSEP with copies of (a) all required certifications, including Ed Form 80-0013, and (b) all required reports, including the Annual Data Report and Annual Performance Report.

The enclosed grant award for FY 1993 is made with the continued understanding that this Office may, from time to time, require clarification of information within your State Plan. These inquiries are necessary to allow us to appropriately carry out our responsibilities related to Part B.

Page 4 - Honorable Robert Leininger

We appreciate your ongoing commitment to the provision of quality educational services to children and youth with disabilities.

Sincerely,

Robert R. Davila  
Assistant Secretary

Enclosure

cc: Gail Lieberman

ILLINOIS STATE BOARD OF EDUCATION

## STATE BOARD OF EDUCATION

## NOTICE OF PUBLIC INFORMATION

100 North First Street - Springfield, Illinois 62777-0001

September 10, 1992

Judy A. Schrag  
United States Department  
of Education  
Office of Special Education Programs  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

Dear Dr. Schrag:

This letter provides the assurances necessary to finalize the two remaining issues identified by Debra Sturdivant in her August 18, 1992 memo and began the formal approval process of our FY 1993-95 State Plan.

I assure you that the Illinois State board of Education will amend, as soon as possible, but no later than July 1, 1993, the regulatory provisions at Illinois Administrative Code 226.564, and those provisions intended to address the Federal requirements of 300.510 (b), (namely, Illinois Administrative Code 226.680, 226.688 and 226.690) will be (1) amended to conform to the requirements of Part B, as described in the August 3, 1992 document from OSEP to ISBE, and (2) in effect and enforceable.

Illinois State Board of Education also assures that it will take steps to ensure that throughout the period of this grant award, all public agencies in the State that provide special education and related services to children with disabilities will operate their programs in a manner fully consistent with all Part B requirements, including those requirements which will be addressed through amendments to current State regulations. Illinois State Board of Education further assures that, no later than ten days after the receipt of a formal approval letter from OSEP accepting our assurances, it will (1) send a memorandum to all public agencies in the State that provide special education and related services to children with disabilities informing them that they must operate their programs in a manner which is fully consistent with Part B, and (2) submit a copy of the memorandum to OSEP.

We appreciate the cooperation and assistance of Debra Sturdivant in this State Plan approval process. I look forward to receiving formal approval and a grant award so that we may continue to provide services to children and youth with disabilities.

Sincerely,

Gail Lieberman  
Assistant Superintendent

## STATE BOARD OF EDUCATION

## NOTICE OF PUBLIC INFORMATION

Department of Special Education

DEPARTMENT OF SPECIAL EDUCATION  
ADMINISTRATIVE BULLETIN - No. 92-1

TO: Directors of Special Education  
Interested Parties

FROM: Gail Lieberman, Assistant Superintendent  
Department of Special Education

DATE: October 19, 1992

SUBJECT: Compliance with Part B of the Individuals with Disabilities Education Act

The Illinois State Board of Education has received conditional approval of the FY 93-95 State Plan under Part B of the Individuals with Disabilities Education Act. A formal public notice announcement of this approval along with information on the availability of the State Plan for public review will be disseminated in the near future.

As a part of their evaluation of the State Plan, the Office of Special Education Programs, United States Department of Education, identified two rules in the 23 Illinois Administrative Code 226 which are, in their opinion, in conflict with the federal rules for special education and therefore must be modified. In order to receive conditional approval of the State Plan and obtain the release of over \$110,000,000 in FY 93 federal funds, we agreed to make these rule changes.

Under the conditions specified by the Office of Special Education Programs, we are also required to inform all public agencies that serve students with disabilities that they must operate their programs in a manner fully consistent with Part B pending adoption of the two rule changes. This Bulletin is notice to you of the requirements you are to fulfill pending formal filing of the rule changes.

Compliance with IDEA

2

October 19, 1992

Placement

Section 226.564 of the Illinois Administrative Code states that:

"The local school board has the authority to place students in special education programs. The board may also authorize, by regulation, the director of special education to place students in special education programs."

OSEP believes this is in conflict with 34 CFR 300.533 (a) (3) which states:



## STATE BOARD OF EDUCATION

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"(a) In interpreting evaluation data and in making placement decisions, each public agency shall:

(3) Insure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options."

Please ensure that you operate all programs and services for students with disabilities consistent with the federal requirements at 34 CFR 300.533 (a) (3) effective immediately. This will be the basis for special education compliance determinations starting immediately and until the final rule change is in effect. We are quite confident that this requirement is not a burden for you since, as we assured OSEP, this is in fact the procedure currently in place throughout the state.

Level II

The second rule change involves the procedures to be followed if there is an appeal of a Level I due process decision. 34 CFR 300.510 includes the following requirements which were determined by OSEP not to be present in our state rules:

(b) If there is an appeal, the State education agency shall conduct an impartial review of the hearing. The official conducting the review shall:

(2) Insure that the procedures at the hearing were consistent with the requirements of due process;

(3) If a hearing is held to receive additional evidence, the rights in Section 330.508 apply;

Compliance with IDEA 3

October 19, 1992

(5) Make an independent decision on completion of the Review; . . ."

These procedures are already followed by our Level II review officers although there is no specific rule in 23 Illinois Administrative Code to that effect. Please be advised that all Level II appeals must be conducted in a manner consistent with these requirements in addition to the other procedures found in 23 Illinois Administrative Code Subpart J.

In the near future, we will initiate the process to amend our rules to be consistent with the above two items. The changes are to be in effect by July 1, 1993 per the conditions of our grant award.

If you have any questions on these requirements or other items relating to approval of the State Plan, please contact Charles Crowley, Supervisor, or Jack Shook, manager, Regulatory Operations Section at 217/782-6601.

cc: Dr. Judy Schrag, Director  
Office of Special Education Programs  
United States Department of Education

## STATE BOARD OF EDUCATION

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UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

Honorable Robert Leininger  
Superintendent of Education  
State Board of Education  
100 North First Street  
Springfield, Illinois 62777

Dear Superintendent Leininger:

I am pleased to inform you that Illinois' State Plan for fiscal years (FY) 1993-95 under Part B of the Individuals with Disabilities Education Act (Part B) has been conditionally approved. Therefore, it is my pleasure to enclose your State's Part B grant award for FY 1994.

Our conditional approval of your State Plan is based on our review and acceptance of the following documents submitted by the Illinois State Board of Education (ISBE) to the Office of Special Education Programs (OSEP):

(1) The Part B State Plan for FY 1993-95 submitted on June 29, 1993, including information that addresses the requirements added by the final Part B regulations published in the Federal Register on September 29, 1992, as well as the proposed rule changes to Illinois Administrative Code Sections 226.564, 226.688 and 226.690 required by OSEP's September 23, 1992 conditional State plan approval letter.

(2) The letter submitted on August 4, 1993 from ISBE to OSEP in response to OSEP's July 26, 1993 memorandum, in which ISBE assures that as soon as possible, but no later than July 1, 1994, it will complete all of the changes required, including amending Section 226.640 (b) of the Illinois Administrative Code to provide a binding regulatory interpretation of Section 14-8.02 (g) of the Illinois School Code to be consistent with the Federal requirement at 34 CFR Section 300.508 (b). In that letter, Illinois assures that, by the same date, it will amend its State regulations at Section 226.564 to make it consistent with the requirements of 34 CFR Section 300.533 (a) (3) and amend Sections 226.688 and 226.690 to make these provisions consistent with the administrative appeal and impartial review requirements of 34 CFR Section 300.510 (b).

In the letter submitted on August 4, 1993, ISBE also assures that it will take steps to ensure that, throughout the period of this FY 1994 grant award, all public agencies in the State that provide special education and related services to children with disabilities will

Page 2 - Honorable Robert Leininger

operate their programs in a manner fully consistent with Part B, including those areas identified in the preceding paragraph. ISBE provided OSEP

## STATE BOARD OF EDUCATION

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with a copy of a memorandum that will be sent to public agencies within 15 days of the date of this letter. This memorandum informs public agencies of the correct procedures for agencies to follow in order to be consistent with Part B during such time as the State completes the required Statutory and regulatory revisions.

The documents identified in the preceding paragraphs, together with conditional approval letter, collectively constitute Illinois' conditionally approved Part B State Plan for FY 1993-95. Therefore, the documents referenced above and this conditional approval letter must be appended to your copies of the FY 1993-95 State Plan. ISBE must indicate in the beginning of the Plan that these documents have been placed in an appendix.

As part of its FY 1993-95 Part B State Plan, your agency has made assurances required by 34 CFR Section 76.101, including the following: (1) "the State agency has the authority under State law to perform the functions of the State under the (Part B) program;" and (2) "the Plan is the basis for State operation and administration of the program" (see 34 CFR Sections 76.104 (a) (2) and 76.104 (1) (8)). The enclosed Part B grant award for FY 1994 is made with the understanding that the assurances made by your agency pursuant to 34 CFR Section 76.104 mean that your agency has, and will exercise, the authority to ensure that all public agencies in the state comply with all provisions of the plan; and that those agencies have been informed that they must comply with any additional requirements that your agency has established in the plan that are not also set forth in State statute or regulation.

I would like to remind you of the post-approval notification provision in 34 CFR Section 300.284, which requires your agency to "give notice in newspapers or other media, or both, that the plan is approved. The notice must name places throughout the State where the plan is available for access by any interested persons." Once the notice has been published, a copy should be submitted to OSEP.

The following paragraphs describe the actions that your agency must take to enable the State Plan to move from conditional to full approval:

As soon as your agency has prepared drafts of the revised State Plan documents, copies of those documents (e.g., proposed regulations and legislative bills) should be submitted to OSEP for review to ensure that they meet all of the conditions necessary for full approval.

Page 3 - Honorable Robert Leininger

Where your agency has assured OSEP that it will amend its regulations or statute(s), the State Plan also must be amended so that it is consistent with the regulations and statute(s). In addition, your agency must revise its monitoring system to ensure compliance with the amendments.

## STATE BOARD OF EDUCATION

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Where amendments to the plan are necessary because of regulatory or statutory changes, your agency may either insert each of the amendments in the appropriate section of the plan, or append the amendments to the plan. If your agency chooses to append some or all of the amendments, it must indicate in the beginning of the plan that such amendments have been placed in an appendix.

As soon as possible, but no later than July 1, 1994, your agency must provide OSEP with copies of all amended State Plan documents, including the revised regulations that have been adopted by the State Board of Education, the revised statute(s), if any, that have been enacted by the State Legislature, and the required amendments to the monitoring system.

Once a determination has been made that your State Plan meets all of the conditions necessary for full approval, we will send you a formal notice of our approval. Your agency then must (1) formally notify public agencies and other interested parties throughout the State that the amended documents have been approved, and (2) make the entire plan, as amended, available to parents and other members of the general public.

Your State's Part B grant award for FY 1995 (i.e., the grant period beginning July 1, 1994) will be issued as funds become available for obligation at the Federal level, and if, in addition to meeting the conditions noted above, the following criteria are met:

(1) The State meets the conditions of eligibility required under section 612 of the Act, including having in effect an approved Part B State Plan for the period of the FY 1995 award; and

(2) Your agency provides OSEP with copies of (a) all required certifications, including ED Form 80-0013, and (b) all required reports, including the Annual Data Report and Annual Performance Report.

Please note that OSEP will be providing guidance very shortly to all States, addressing what is required with regard to Part B and its relationship to State age of majority provisions. To the extent that a State's statutes, regulations, or other policies or procedures are inconsistent with the requirements of Part B regarding the rights of parents after a student with a disability has attained

Page 4 - Honorable Robert Leininger

the age of majority under state law or regarding the rights of parents to access information about the student after the student turns eighteen under State confidentiality provisions, the State will be required to revise any such provision prior to receiving its Part B award for FY 1995.

The enclosed grant award for FY 1994 is made with the continued understanding

## STATE BOARD OF EDUCATION

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that this Office may, from time to time, require clarification of information within your State Plan. These inquiries are necessary to allow us to appropriately carry out our responsibilities related to Part B. We appreciate your ongoing commitment to the provision of quality educational services to children and youth with disabilities.

Sincerely,

Judith E. Heumann

Enclosure

cc: Gail Lieberman

ILLINOIS STATE BOARD OF EDUCATION  
100 North First Street - Springfield, Illinois 62777-0001

August 2, 1993

Patricia J. Guard  
United State Department  
of Education  
Office of Special Education Programs  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

Dear Patty:

This letter provides the assurances necessary to finalize the remaining issues identified by Debra Sturdivant in her July 26, 1993 memo concerning the conditional approval of Illinois State Plan for IDEA.

I assure you that the Illinois State Board of Education will amend as soon as possible, but no later than July 1, 1994, the regulatory provisions at Illinois Administrative Code (IAC) 226.564, 226.688, 226.690 and 226.640(b). Revision of IAC 226.640 (b) will provide a binding regulatory interpretation of Section 14-8.02 consistent with the federal requirement at 300.508 (b) (1). The Illinois State Board of Education will pursue revision of the statute if the regulatory changes can not be completed as proposed. All amendments will conform to the requirements of Part B, as described in the August 3 and August 21, 1992 documents from OSEP to ISBE, and will be in effect and enforceable no later than July 1, 1994.

The Illinois State Board of Education also assures that it will continue to ensure that throughout the period of this grant award, all public agencies in the State that provide special education and related services to children with disabilities will operate their programs in a manner fully consistent with all

## STATE BOARD OF EDUCATION

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Part B requirements, including those requirements to be addressed through amendments to current State statute and regulations. The Illinois State Board of Education further assures that, within 15 days of the date of OSEP's approval letter, it will (1) send a memorandum to all public agencies in the State that provide special education and related services to children with disabilities informing them that they must operate their programs in a manner which is fully consistent with Part B, and (2) submit a copy of the memorandum to OSEP for review and approval prior to OSEP's issuance of the grant award.

Patricia Guard

-2-

August 2, 1993

We appreciate the cooperation you and Debra Sturdivant provided to us throughout in this State Plan approval process. I look forward to receiving formal approval and a grant award as soon as possible so that we may continue to provide services to children and youth with disabilities in Illinois.

Sincerely,

Gail Lieberman  
Assistant Superintendent  
Department of Special Education

cc: Debra Sturdivant  
Judith Leonard

ILLINOIS STATE BOARD OF EDUCATION  
100 North First Street - Springfield, Illinois 62777-0001

## M E M O R A N D U M #93-49M

TO: Directors of Special Education  
Interested Parties

FROM: Gail Lieberman, Assistant Superintendent  
Department of Special Education

DATE: August 17, 1993

SUBJECT: Compliance with Part B of the Individuals With  
Disabilities Education Act, FY 93-95 State Plan Requirements

The Illinois State Board of Education is in the process of revising 23 Illinois Administrative Code 226 in two major areas: federal Office of Special Education Programs (OSEP)--ordered changes and Individuals With Disabilities Education Act (IDEA)--generated changes. We have assured OSEP that all Illinois programs are operating and will continue to operate in compliance with Part B pending adoption of the rule changes.



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The purpose of this letter is to instruct all public agencies serving students with disabilities to review the following sections of Part B regulations and to maintain internal programmatic procedures which ensure local practices consistent with Part B. The pertinent federal citations are 34 CFR 300.508(b)(1) and 300.510 and 300.6 relating to assistive technology; 300.7 relating to autism and traumatic brain injury; 300.16(b)(10) relating to rehabilitation counseling; and 300.18 and 300.344 relating to transition services. These requirements have been in effect for the past year and have already been incorporated into the Illinois Special Education Monitoring Manual. They have served, and will continue to serve, as the basis for special education compliance determinations for compliance reviews, due process hearings and orders, compliant investigations and the LEA applications (policies and procedures).

State Plan Requirements	2	August 17, 1993
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Please ensure that your programs continue to operate in full compliance with the above citations and all other state and federal rules pending completion of the rule revision process. If you have any questions on these requirements or other items relating to approval of the State plan, please contact Jack Shook, Manager, or Vaughn Morrison of the Regulatory Operations Section at 217/782-6601 (VOICE), 217/782-1900 (TTY/TDD) or Special Net IL.SP.

Thank you for your continued cooperation in the provision of services to students with disabilities

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PART 1

SUBMISSIONS, ASSURANCES, CERTIFICATIONS  
SUBMISSION STATEMENT, CERTIFICATIONS, AND ASSURANCES

A. SUBMISSION STATEMENT

I, the undersigned authorized official of the State Education Agency of \_\_\_\_\_ hereby submit the following State Plan for Fiscal Years 1993-95 under Part B of the Individuals with Disabilities Education Act.

Signature of Authorized Official \_\_\_\_\_ Date \_\_\_\_\_

## STATE BOARD OF EDUCATION

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## Type Name and Title

## B. ASSURANCE STATEMENTS

The State of Illinois makes the following assurances and provisions as required by Part B of the Individuals with Disabilities Education Act, as amended (20 U.S.C. 1411-1420):

I. In carrying out the requirements of 20 U.S.C. 1412, procedures are established for consultation with individuals involved in or concerned with the education of children with disabilities, including individuals with disabilities and parents or guardians of children with disabilities (20 U.S.C. 1412 (7) (A)).

II. Programs and procedures will be established to assure that funds received by the State or any of its political subdivisions under any other Federal program, including subpart 2 of part D of Chapter 1 of Title I of the Elementary and Secondary Education Act of 1965 and section 202 (1) of the Carl D. Perkins Vocational Education Act, under which there is specific authority for the provision of assistance for the education of children with disabilities, will be utilized by the State, or any of its political subdivisions, only in a manner consistent with the goal of providing a free appropriate public education for all children with disabilities, except that nothing in this clause shall be construed to limit the specific requirements of the laws governing such Federal programs (20 U.S.C. 1413 (a) (2)).

III. Federal funds made available under the Act: (A) will not be commingled with State funds; and (B) will be so used as to supplement and increase the level of Federal, State, and local funds (including funds that are not under the control of State or local educational agencies) expended for special education and related services provided to children with disabilities and will in no case be used to supplant such Federal, State, and local funds, except that, where the State provides clear and convincing evidence that all children with disabilities have available to them a free appropriate education, the Secretary may waive in part the requirement of this clause if the Secretary concurs with evidence provided by the State (20 U.S.C. 1413 (a) (9) (B) and 20 U.S.C. 1414 (a) (2) (ii)).

IV. The State has an advisory panel, appointed by the Governor or any other official authorized under State law to make such appointments, composed of individuals involved in, or concerned with, the education of children with disabilities, including handicapped individuals, teachers, parents or guardians of children with disabilities, State and local officials, which:

## STATE BOARD OF EDUCATION

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(A) advises the State educational agency of unmet needs within the State in the education of children with disabilities; (B) comments publicly on any rules or regulations proposed for issuance by the State regarding the education of children with disabilities, the procedures for distribution of funds under the Act; and (C) assists the State in developing and reporting such data and evaluations as may assist the Secretary in the performance of his responsibilities under 20 U.S.C. 1418 (20 U.S.C. 1413 (a) (12)).

V. The Education of the Handicapped Act, as amended, will not be construed by the State to permit the State to reduce medical or other assistance available under, or to alter the eligibility requirements of, programs funded in whole or in part through Title V (Maternal and Child Health) or Title XIX (Medicaid) of the Social Security Act, with respect to the provision of a free appropriate public education for children with disabilities within the State.

## C. GENERAL STATE APPLICATION - EDGAR ASSURANCE

This State educational agency provides assurances that it will comply with the provisions contained in 34 CFR 76.101 and Section 435 of the General Education Provisions Act.

## D. CERTIFICATIONS REQUIRED BY EDGAR

In accordance with 34 CFR 76.104 the State educational agency assures:

1. That the Plan is submitted by the State agency that is eligible to submit the Plan.
2. That the State agency has authority under State law to perform the functions of the State under the program.
3. That the State legally may carry out each provision of the Plan.
4. That all provisions of the Plan are consistent with State law.
5. That a State Officer, specified by title in the certification, has authority under State law to receive, hold, and disburse Federal funds made available under the Plan.
6. That the State Officer who submits this Plan, specified by title in the certification, has authority to submit the Plan.
7. That the agency that submits the Plan has adopted or otherwise formally approved the Plan.
8. That the Plan is the basis for State operation and administration of the program.

## STATE BOARD OF EDUCATION

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## E. EXECUTIVE ORDER 12372

This State certifies that:

To the best of our knowledge and belief, data in this State Plan are true and correct, the document has been duly authorized by the governing body of the State education agency and the State will comply with the attached assurances if the State Plan is approved.

The State Plan was submitted to the State's "single point of contact" under Executive Order 12372 on date: December 17, 1991

F. PUBLIC PARTICIPATION (34 CFR 300.280-300.284 and 34 CFR 76.101 of the EDGAR)

Documentation that public hearings have been held and that the Plan has been made available as required should be included in this section. (See cover memorandum for further details.)

ASSURANCES REGARDING IMPLEMENTATION OF THE  
REQUIREMENTS DURING FISCAL YEAR 1993

NEW STATE PLAN REQUIREMENTS UNDER PART B  
OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT  
AS ADDED BY THE EDUCATION OF THE HANDICAPPED ACT  
AMENDMENTS OF 1990 (PUB. L. 101- 476) AND THE INDIVIDUALS WITH  
DISABILITIES EDUCATION ACT AMENDMENTS OF 1991 (Pub. L. 102-119)

Assurances Regarding Implementation of These Requirements During  
Fiscal Year 1993

For purposes of implementing provisions of the Education of the Handicapped Act Amendments of 1990 (Pub L. 101-476) and the Individuals with Disabilities Education Act Amendments of 1991 (Pub. L. 102-119), which amend Part B of the Individuals with Disabilities Education Act (Act) (20 U.S.C. 1401, 1411-1420), the State of Illinois makes the following assurances:

- (1) In accordance with section 612(2) of the Act, throughout the period of the Fiscal Year (FY) 1993 grant award, the State's definition of "children with disabilities," or its equivalent, will include "children with autism" and "children with traumatic brain injury" as separate disability categories under Part B, as specified in section 602 (a) (1) of the Act. As soon as possible, but no later than July 1, 1993, the State will make conforming changes to State statutes, regulations, or policies and procedures, as appropriate.

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[If your State elects to include in its definition of "children with disabilities" for children aged three through five, "children experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures. . ." leave in the following paragraph, if not, cross out.]

- (2) In accordance with section 612(2) of the Act, throughout the period of the FY 1993 grant award, the State's definition of "children with disabilities," or its equivalent, for children aged three through five will include "children experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures. . ." in accordance with the criteria specified in section 602(a)(1)(B) of the Act.

- (3) In accordance with section 612(2) of the Act, throughout the period of the FY 1993 grant award, the State's definition of "special education," or its equivalent, will add "instruction in other settings" to the list of settings in which "specially designed instruction" may be provided to children with disabilities, as required by section 602(a)(16) of the Act. As soon as possible, but no later than July 1, 1993, the State will make conforming changes to State statutes, regulations, or policies and procedures, as appropriate.

- (4) In accordance with section 612(2) of the Act, throughout the period of the FY 1993 grant award, the State's definition of "related services," or its equivalent, will include "rehabilitation counseling" and "social work services" as eligible related services, as required by section 602 (a) (17) of the Act. As soon as possible, but no later than July 1, 1993, the State will make conforming changes to State statutes, regulations, or policies and procedures, as appropriate.

- (5) In accordance with section 612(4) of the Act, throughout the period of the FY 1993 grant award, each public agency in the State will implement individualized education programs (IEPs) for students with disabilities, as provided in section 614 (a) (5) of the Act, which IEPs include the following provisions, as required by section 602 (a) (19) and (a) (20) of the Act:

(A) A statement of needed transition services for students with disabilities beginning at age 16 and each year thereafter, and to the extent appropriate, for students with disabilities 14 years of age or younger;

(B) Where appropriate, a statement of interagency responsibility if a State or local agency, other than the public agency responsible for the student's education, is responsible for providing or paying for needed transition services;



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- (C) Where a participating agency, other than the public agency responsible for the student's education, has failed to provide agreed upon transition services, a statement that the public agency will reconvene a meeting of the participants on the IEP team to identify alternative strategies to meet the transition objectives in the student's IEP; and
- (D) That with respect to IEPs of students with disabilities, "transition services" has the same meaning as the term "transition services," as defined in section 602 (a) (19) of the Act.

As soon as possible, but no later than July 1, 1993, the State will make conforming changes to State statutes, regulations, or policies and procedures, as appropriate.

- (6) In accordance with section 613 (a) (3) of the Act, throughout the period of the FY 1993 grant award, the State will implement a comprehensive system of personnel development (CSPD), consistent with the purposes of the Act and with the CSPD described in section 676 (b) (8) of Part H of the Act, that shall include--

(A) a description of the procedures and activities the State will undertake to ensure an adequate supply of qualified special education and related services personnel, including--

- (i) the development and maintenance of a system for determining, on an annual basis--

(I) the number and type of personnel, including leadership personnel, that are employed in the provision of special education and related services, by area of specialization, including the number of such personnel who are employed on an emergency, provisional, or other basis, who do not hold appropriate State certification or licensure; and

(II) the number and type of personnel, including leadership personnel, needed, and a projection of the numbers of such personnel that will be needed in five years, based on projections of individuals to be served, retirement and other leaving of personnel from the field, and other relevant factors;

(ii) the development and maintenance of a system for determining, on an annual basis, the institutions of higher education within the State that are preparing special education and related services personnel, including leadership personnel, by area of specialization, including--

- (I) the numbers of students enrolled in such programs, and

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(II) the number who graduated with certification or licensure, or with credentials to qualify for certification or licensure, during the past year; and

(iii) the development, updating, and implementation of a plan that--

(I) will address current and projected special education and related services personnel needs, including the need for leadership personnel; and

(II) coordinates and facilitates efforts among State and local educational agencies, institutions of higher education, and professional associations to recruit, prepare, and retain qualified personnel, including personnel from minority backgrounds, and personnel with disabilities; and

(B) a description of the procedures and activities the State will undertake to ensure that all personnel necessary to carry out this part are appropriately and adequately prepared, including--

(i) a system for the continuing education of regular and special education and related services personnel;

(ii) for acquiring and disseminating to teachers, administrators, and related services personnel significant knowledge derived from education research and other sources; and

(iii) procedures for adopting, where appropriate, promising practices, materials, and technology.

As soon as possible, but no later than July 1, 1993, the State will make conforming changes to State statutes, regulations, or policies and procedures, as appropriate.

- (7) In accordance with section 613 (a) (15) of the Act, throughout the period of the grant award, the State will have in effect policies and procedures relating to the smooth transition for those individuals participating in the early intervention program assisted under Part H of the Act who will participate in preschool programs assisted under Part B of the Act, including a method of ensuring that when a child turns age three, an individualized education program, or, if consistent with sections 614 (a) (5) and 677 (d), an individualized family service plan, has been developed and is being implemented by such child's third birthday. As soon as possible, but no later than July 1, 1993, the State will make conforming changes to State statutes, regulations, or policies and procedures, as appropriate.

- (8) In accordance with section 612 (4) of the Act, throughout the period of the FY 1993 grant award, for each child with a disability aged three

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through five, if consistent with State policy and at the discretion of the local educational agency or intermediate educational unit, and with the concurrence of the parents or guardian, each local educational agency or intermediate educational unit in the State, by the beginning of each school year, will establish an individualized education program for each child with a disability or an individualized family service plan described in section 677(d), and will then review and, if appropriate, revise its provisions periodically but not less than annually. As soon as possible, but no later than July 1, 1993, the State will make conforming changes to State statutes, regulations, or policies and procedures, as appropriate.

- (9) Throughout the period of the FY 1993 grant award, the State will comply with all requirements of Part B of the Act, including any Departmental regulations amending 34 CFR Part 300 that became final and effective by the date on which your State received its FY 1993 grant award.

## Typed Name and Title of Authorized State Official

Signature

Date

ED Form 80-0013:

Certifications Regarding Lobbying;

Debarment, Suspension and Other Responsibility Matters;

and Drug-Free Workplace Requirements

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION  
AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE  
WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying, and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

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## 1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any persons for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

## 2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110 -

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

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(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

## 3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 -

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about -

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will -

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for violation of a criminal drug statute occurring in the workplace no later than five

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calendar days after each conviction;

(e) Notifying the agency, in writing within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124 GSA Regional Office Building No. 3), Washington, DC 20202-4571. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted -

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check \_\_\_ if there are workplaces on file that are not identified here.

DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Section 85.605 and 85-610 -

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to:



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Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office Building No. 3), Washington, DC 20202-4571. Notice shall include the identification number(s) of each affected grant.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

## PART 2

## I. RIGHT TO EDUCATION POLICY STATEMENT

Right to Free and Appropriate Public EducationPolicy

The Illinois State Board of Education established the policy in 1978 that all children with disabilities shall have the right to a free, appropriate public education (see Full Educational Opportunity Goal section).

The Illinois State Board of Education assures that this policy applies to all agencies in the state that provide special education to children with disabilities. The following agencies work with the Illinois State Board of Education in assuring the implementation of this policy:

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1. Department of Children and Family Services;
2. Department of Mental Health and Developmental Disabilities;
3. Department of Corrections;
4. Department of Rehabilitation Services;
5. All other public, independent, private and parochial schools providing services to children with disabilities; and
6. Parent/consumer organizations.

The Illinois State Board of Education has assured the provision of special education to all children with disabilities within the federal statutory timelines. Such special education service:

1. are provided at public expense, at no charge to the parent or guardian;
2. are under the general supervision of the Illinois State Board of Education;
3. meet the standards of the Illinois State Board of Education and all other applicable state and federal statutes, rules or regulations;
4. include preschool, elementary school, and secondary school education in Illinois; and
5. are in conformity with an Individualized Education Program.

It is the priority of the Illinois State Board of Education to provide service to:

1. first, those children with disabilities not receiving any education, including identification, location, and evaluation of those children; and
2. second, those children with disabilities, within each disability group with the most severe handicaps, who are receiving an inadequate education.

Interaction with Other State Agencies

The State Educational Agency has assumed full responsibility for assuring that all students that are placed in facilities operated by the Department of Children and Family Services (DCFS), the Department of Mental Health and Developmental Disabilities (DMH/DD), the Department of Corrections (DOC), and the Department of Rehabilitation Services (DORS) are provided with free,

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such list occurs, as well as of their rights.

Pursuant to Section 14-8.02 of the School Code, DORS, which administers and operates the Illinois State School for the Deaf, the Illinois State School for the Visually Impaired and the Illinois Children's School and Rehabilitation Center, has promulgated regulations for these programs. The DORS regulations are consistent with the Illinois State Board of Education's rules and regulations, the School Code and IDEA.

DMH/DD operated twenty-one educational programs throughout the state until 1983. During the 1987-88 school year, all but two of the educational programs in DMH/DD residential facilities were operated by the local public school district or joint agreement, either on-site or in public school buildings. DMH/DD has promulgated regulations for its educational programs. As of 1991-92, there still are 2 programs that they operate: Madden Mental Health Center in Hines and the Illinois State Psychiatric Institute in Chicago.

The criteria for monitoring DORS and DMH/DD facilities are set forth in the Illinois State Board of Education Monitoring Manual. Such criteria are consistent with both the DORS and DMH/DD regulations and the Illinois State Board of Education's 23 Illinois Administrative Code 226 and satisfy requirements of IDEA and its current regulations.

DOC administers and operates the educational program for students who have been placed under its jurisdiction. The DOC educational program, also known as School District #428, is administered pursuant to 23 Illinois Administrative Code 226. The Illinois State Board of Education has assumed responsibility as set forth in Section 14- 8.01 of the School Code. Criteria for monitoring the DOC program are the same as for any other school district in Illinois.

23 Adm. Code 226.1110 addresses special education for children in residential care facilities. When a student is placed in a residential facility by another state agency, the Illinois school district where the facility is located assumes the responsibility of assuring that the student is provided with a free appropriate educational program. In such case, the program may be provided: 1) on the facility site by the facility under contract with the district; 2) on-site by the school district; or 3) in the district's regular school program sites. For any of these options, the LEA is responsible for assuring that the students are provided a free and appropriate educational program. The Illinois State Board of Education provides funds to support these programs pursuant to Section 14-7.03 of the School Code which states:

If a school district maintains special education classes on the site of orphanages and children's homes, or if children from the orphanages, children's homes, foster family homes, other State agencies, or State residential units for children attend classes for children with disabilities in which the school district is a participating member of a joint agreement, or if the children from the orphanages, children's homes, foster family homes, other State agencies or State residential

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appropriate public education. The educational programs administered and operated by these agencies are supervised and monitored on a regular basis by the Illinois State Board of Education.

IDEA requires that the State Education Agency be responsible for the supervision of all educational programs for all children with disabilities. The federal regulations allow the Illinois State Board of Education to utilize an interagency agreement to implement that section of the law. We do hereby agree to the following administrative agreement developed through the cooperative efforts of Illinois agencies:

All special education programs for children with disabilities defined in Article 14 of the School Code operated by the above-stated agencies shall be supervised by staff of the Illinois State Board of Education pursuant to policies adopted by the State Board of Education. Such supervision shall be limited to insuring that those educational programs meet standards jointly developed and agreed to by both the Illinois State Board of Education and the above-stated agencies, including standards for educational personnel.

In 1980, additional state statutes were enacted. These laws are found in Section 14-laws are 8.01 of the School Code:

All educational programs for the types of handicapped children defined in Section 14-1.02 administered by any State Agency shall be under the general supervision of the State Board of Education. Such supervision shall be limited to insuring that such educational programs meet standards jointly developed and agreed to by both the State Board of Education and the operating State Agency, including standards for educational personnel.

Any State agency providing special educational programs for the types of handicapped children defined in Section 14-1.02 shall promulgate rules and regulations, in consultation with the State Board of Education and pursuant to the Illinois Administrative Procedure Act as now or hereafter amended, to insure that all such programs comply with this Section and Section 14-8.02.

No otherwise qualified handicapped child receiving special education and related services under Article 14 shall solely by reason of his or her handicap be excluded from the participation in or be denied the benefits of or be subjected to discrimination under any program or activity provided by a State agency.

Since 1987 the Illinois State Board of Education has had oversight responsibility for private placements made by State agencies. An OCR agreement of December 4, 1987, delineates the process of oversight. Staff maintain a list of eligible children placed by State agencies, commencing Fall 1987. DCFS and DMH/DD update this information monthly. Parental notice of

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units attend classes for children with disabilities maintained by the school district, then reimbursement shall be paid to eligible districts in accordance with the provisions of this Section through the regional superintendent on the warrant of the Comptroller.

**Procedures**

The procedures adopted by the Illinois State Board of Education to assure implementation of the right to education policy include:

1. Continuing a statewide legislative mandate adopted in 1965, effective in 1969, which includes the provision for expenditures of local, state, and federal funds directed to meet this objective. Illinois does not exclude from its education programs, by present law or practice, any student population;
2. Using a federal grant application process which solicits programs and projects designed to meet the special education needs of all children with disabilities based on the priorities noted above; and
3. Using a review process which results in the approval of only those programs and projects which meet these policies and specific funding criteria.

**Timelines and Ages for Free Appropriate Public Education**

Chapter 122 of the Illinois Revised Statutes, in Section 14-1.02, delineates services are required for eligible children and youth ages 3-21.

The School Code and 23 Illinois Administrative Code 226 require that each local school district shall:

1. actively seek out and identify all children with disabilities, ages birth through twenty-one;
2. provide appropriate evaluation of all such children identified;
3. provide and maintain a continuum of appropriate and effective program services for eligible children and youth ages 3-21; and
4. provide an annual review of the educational status and placement of eligible children and youth ages 3-21.

**State Policy for Meeting Priorities under IDEA**

The State Board of Education has adopted policies to enhance the state's ongoing commitment to provide full educational opportunities to all children with disabilities and, to the maximum extent appropriate, to educate students with disabilities with their nondisabled peers. The Illinois State Board of

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Education will continue to direct the proper utilization of local, state and federal funds for special education and related services for children with disabilities to provide a free, appropriate public education to all children with disabilities. First priority in the utilization of funds made available to the State of Illinois under Individuals with Disabilities Education Act (IDEA), will be given to children with disabilities who are not receiving any education. Second priority will be given to those children who are the most severely disabled in each category and who are receiving some services but need additional special education and related services.

Moreover, it is the policy of the Illinois State Board of Education to insure that in the implementation of programs and services to meet these priorities all children with disabilities between the ages of three (3) and twenty-one (21) within the state have available a free, appropriate public education.

Finally, the Illinois State Board of Education will continue to assure compliance with IDEA.

## II. FULL EDUCATIONAL OPPORTUNITY GOAL

**Full Educational Opportunity Goal**

The Illinois State Board of Education adopted a policy in 1978 in support of the basic tenets of IDEA. The policy in full says:

1. A free, appropriate public education for every child with a disability in Illinois: ages 3-18 by September, 1978; ages 3-21 by September, 1980;
2. A right to education policy for all children, education provided at no cost to parents when placed by the SEA or LEA;
3. Education in the least restrictive environment;
4. Guarantee of procedural safeguards, confidentiality of records, and nondiscriminatory (racial or cultural) testing;
5. Individualized education programs for every identified child with a disability;
6. A comprehensive articulated personnel preparation program;
7. SEA supervision of all educational programs for children with disabilities offered within the State of Illinois;
8. Rights and guarantees applying to children in approved private, parochial, independent or state agency schools as well as public schools; and



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9. An intensive and continuing search for children with disabilities.

Public Act 87-680 goes beyond the above-cited policy and addresses birth-to-three issues in Illinois. Pursuant to Illinois' Part H application, currently on file with OSEP, Illinois currently provides childfind, procedural safeguards, evaluations and IFSPs for eligible infants, toddlers and their families.

#### Mission of the Department of Special Education

The mission of the Department of Special Education is to provide programmatic and administrative leadership to local school districts and joint agreements. This mission is in concert with the State Board of Education Goal Statements grounded in learner, enabling and governance principles.

- Insure appropriate referral, proper identification and provision of a free, appropriate public education to all children and youth with disabilities, including those who are limited English proficient and culturally diverse, in the least restrictive environment;
- Promote an integrated educational system that is accessible and responsive to all children and youth;
- Encourage the active participation of parents in determining and administering to their children's educational needs;
- Meet the needs of children and youth through collaboration with local, state, and federal agencies;
- Mobilize community resources to work with the schools in promoting meaningful education;
- Insure a full continuum of services for all eligible individuals, birth through twenty-one;
- Insure compliance of local school districts with federal and state special education rules/regulations/laws; and
- Promote the delivery of high-quality, effective educational programming.

#### Early Intervention Definition

Additionally, pursuant to Part H of IDEA, the Illinois State Board of Education is developing, with the appropriate state human service agencies, formal interagency agreements that define the financial responsibility of each agency paying for early intervention services, procedures for resolving disputes, and any additional components necessary to ensure meaningful cooperation and

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coordination.

As reflected in the Year 3 Annual Report for Illinois (October 1, 1989-September 30, 1990) by the State Interagency Council on Early Intervention, eligibility for early intervention services, based on Part H of IDEA, is described below:

The term "eligible infants and toddlers" means individuals from birth to 36 months of age who need early intervention services because they

- 1) are experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures in one or more of the following areas:

- a) cognitive development;
- b) physical development, including vision and hearing;
- c) language, speech and communication development;
- d) psycho-social development; or
- e) self-help skills; or

- 2) have a diagnosed physical or mental condition which has a high probability of resulting in developmental delay which includes:

- a) diagnosed medical disorders bearing relatively well-known expectancies for developmental outcomes within varying ranges of developmental disabilities; or
- b) a history of prenatal, perinatal, neonatal or early developmental events suggestive of biological insults to the developing central nervous system and which either singly or collectively increase the probability of developing a disability/delay based on medical history.

The determination of "developmental delay" or "the high probability of resulting in developmental delay" will be made by a qualified interdisciplinary team of at least two (2) or more members, including representatives from health, child development/education and social services utilizing:

- 1) one or more standardized assessments or criterion-referenced measures; and
- 2) clinical judgment and consensus of the interdisciplinary team, of at least two (2) or more members. Clinical judgment shall include observation and parental report.

The areas to be assessed include cognitive development; physical development, including vision and hearing; language, speech and communication development; psycho-social development; or self-help skills.

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When using standardized assessments or criterion-referenced measures, a "developmental delay" is defined as any of the following:

- 1) a delay in one area as determined by
  - a) two (2) or more standard deviations below the mean; or
  - b) 25% or more in function below the mean based on adjusted chronological age;
- 2) a delay in two or more areas as determined by
  - a) 1.5 standard deviations below the mean; or
  - b) 20% or more in function below the mean based on adjusted chronological age;
- 3) a delay in one area as determined by
  - a) 1.5 standard deviations below the mean with a high probability for further developmental delay because of additional risk factors related to the child's environment as determined by an interdisciplinary team; or
  - b) 20% or more in function based on adjusted chronological age with a high probability for further developmental delay because of additional risk factors related to the child's environment as determined by the interdisciplinary team.

When relying on clinical judgment, a developmental delay, consistent with the above criteria, will be determined by a consensus of the interdisciplinary team of at least two (2) or more members, based on their professional experience and expertise.

#### Resources to Support the Goal

There are multiple delivery structures and funding sources currently available in Illinois to aid in meeting the full educational opportunities goal and timelines. As of 1991-92, there are 91 special education service units (single district and joint agreements) which form the administrative basis to deliver services to children with disabilities. The LEA retains primary responsibility for insuring that the needs of each child are met. Additionally, funds flow beyond the 75% to LEAs for use for additional services as necessary, determined annually.

The following is a description of current state statutes governing categorical funding of state resources for special services:

- Section 14-7.02 of the School Code currently requires that a school

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district shall pay the actual cost of tuition charged for its pupils with disabilities attending nonpublic schools or special education facilities for special services. Districts paying these tuition costs are eligible for state reimbursement for the amount of such payments in a two-tier formula. The state funding provided the district for tuition payments less than or equal to \$4,500 is equal to the actual tuition of the nonpublic school less the district's per capita tuition charge for all students. For tuition payments made by the district in excess of \$4,500, the state will pay the excess of costs over \$4,500 less a second district per capita tuition charge for all students. This law provides for a free, appropriate public education at no cost to parents for students placed in nonpublic schools by their local district. For FY 92 the appropriation was \$25,540,600.

For students requiring placement in residential facilities, the room and board costs are paid by the district and reimbursed by the state on a current basis. Part B dollars are utilized for this purpose. The expenditure is about \$10,000,000 for 1990-91 (latest full year period).

- Section 14-7.02a of the School Code provides for programs for children with disabilities whose disability is so unique that the district has to provide extraordinary services. The school district choosing to offer the child extraordinary special education services is eligible for reimbursement from the state for the per capita costs for educating that child in excess of the district per capita tuition charge for the prior year or \$2,000, whichever is less. Per capita costs are actual expenditures minus state reimbursement under Section 14-13.01. For FY 92, this appropriation was \$62,300,000.

- Section 14-7.03 of the School Code provides funding from the state to reimburse school districts the actual cost of educating children with disabilities who are placed by Illinois public agencies in orphanages, foster family homes, children's homes or in state housing units. For FY 92, this appropriation was \$44,170,800.

- Section 14-7.03a of the School Code allows school districts to receive state funds authorized under both Sections 14-7.02 and 14-7.03 for children residing in orphanages, foster family homes, children's homes or in state housing units and for whom educational programming is provided in a nonpublic school as a result of school district placement decisions. Funds here are from the two line-item appropriations cited herein (14-7.02 and 14-7.03).

- Since 1957, state personnel reimbursement has been based on the number of special education personnel employed by a school district. The 1957 law provided \$3,000 for each professional worker. By 1969, reimbursement increased to \$5,000 per professional and \$1,500 per noncertified worker; this latter figure increased to \$2,000 in 1970. In 1974, with a period of inflation and rising costs, reimbursement levels were raised to \$6,250 for

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the professional's salary and to \$2,500 or one-half of the noncertified worker's salary, whichever is less. In the 1985 legislative session these reimbursement levels were increased to \$8,000 and \$2,800, respectively. The FY 92 appropriation was \$200,986,400.

Section 14-3.01(b) of the School Code provides that school districts be reimbursed four-fifths of the cost of transporting children with disabilities as described in 23 Ill. Adm. Code 226.552. Currently, the state is reimbursing districts for the special transportation costs, including summer school. The FY 92 appropriation was \$117,054,900.

Section 14-11.01 of the School Code mandates the Illinois State Board of Education to maintain or contract for a depository to provide resources for the coordination, cataloging, standardizing, production, procurement, storage, and distribution of educational materials and assistive devices needed by children and adults with visual impairments. This service is for elementary and secondary students and post-secondary students who are visually impaired to such a degree that they cannot develop their educational potential without special services, materials and assistive devices. In spite of the general decline in school enrollments, the number of visually impaired pupils has increased. This can be attributed to better programs for identifying such pupils and better life-saving methods for infants born prematurely. The appropriations for this program take into account projected annual cost increases relative to staff and materials.

Section 14-11.02 of the School Code mandates that the Illinois State Board of Education establish, maintain, and operate a statewide service center, including a residential educational facility for deaf-blind individuals ages three through 21. The Illinois State Board of Education contracts with an administrative agent (Keeneyville District #20) to operate the Philip J. Rock Center and School as a statewide school and service center, located in Glen Ellyn. The FY 92 appropriation for this area and the one cited immediately above is \$3,305,600.

Public Act 86-1200 of 1990 mandates an Interagency Board on Hearing Impaired/Behavior Disordered Children. A planned set of services is to occur based on their recommendations. There was no FY 92 appropriation.

Because children with disabilities are also provided services and programs through the facilities and funds of the Department of Mental Health and Developmental Disabilities, the Department of Rehabilitation Services and the Department of Corrections' school district, varying statutes address the provision of these educational services. Programs operated exclusively by the Department of Rehabilitation Services or the Department of Mental Health and Developmental Disabilities are generally state-funded via their respective agencies. For programs operated by local education agencies in which students reside in state housing units, program costs come entirely from Illinois General Revenue Funds pursuant to Section 14-7.03 of the School Code. The

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purpose is to insure that all children with disabilities receive appropriate educational services, including those who reside in a residential care facility.

Head Start programs are required to make available to children with disabilities at least 10% of the total number of enrollment opportunities and to provide services to meet their special needs. As a result of this requirement and the interagency agreement, among the Illinois State Board of Education, the U.S. Department of Health and Human Services (Regional Administrator of Office of Human Development Services) and the Illinois Head Start Association, the Illinois State Board of Education will continue to be involved with Head Start programs to assure that appropriate services are being afforded the children with disabilities so enrolled.

Data Requirements

These are contained in the "Data Report for the (specified) Year" pursuant to OSEP Memorandum 92-1.

Implementation and Commitment of Resources

The current special education service delivery system in Illinois is essentially comprised of a four-tier structure involving the local school district, the special education service units (joint agreements), regional programs and the state education agency. Primary responsibility for special education in Illinois is legally assigned to the local education agency, with each district mandated to provide an educational program appropriate to the needs of children with disabilities resident therein. The joint agreement special education service units provide more extensive services to the local district which otherwise would be impractical or impossible to provide independently. Regional or third-tier services complement the others, primarily for students with low-incidence disabilities. The Illinois State Board of Education is responsible for providing leadership services, technical assistance, administrative and monitoring services, as well as the general supervision of special education programs, services, and facilities.

Illinois will continue its statutory mandate to develop and maintain appropriate and effective educational programs for all children with disabilities between the ages of three (3) and twenty-one (21). In doing so, the Illinois State Board of Education must recognize and accommodate the geographic, social, and cultural differences within this highly diverse state. The organizational structure has been, and will be, utilized to provide child find and related services which are both responsive to unique local situations and effective as vehicles for the provision and maintenance of full educational opportunities for all children with disabilities.

Illinois has made concerted efforts to develop and implement a statewide child identification system which includes a broad continuum of services consisting of several sequential stages. These stages begin with awareness and progress



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through initial identification and location, diagnosis and evaluation, service delivery, and reassessment. The Illinois State Board of Education policies and procedures regarding the expenditures of local, state and federal funds will continue to be directed towards effecting the full educational opportunity goal.

It is the policy of the Illinois State Board of Education to continue to utilize all funds made available to the state under Part B to meet the priorities established in IDEA. At each level in the service delivery system, priorities have been established to assure that programs and services in the areas of public awareness, identification, evaluation, service delivery, and reassessment are developed and implemented. The Illinois State Board of Education has specific procedures governing the expenditure of Part B funds which are directed at accomplishing the goal of full educational opportunities through non-supplanting of state and local expenditures, including:

1. calling for application for flow-through funds which are to meet the special education and related services needs of children with disabilities in the first priority; and
2. approving only those applications for funds which meet all specific policies and funding criteria for full compliance.

In planning for any additional expenditures of Part B funds for programs and projects for children with disabilities, the Illinois State Board of Education will take steps seeking to assure that proposals for such funding will include:

1. written assurance that the applicant agency has, in operation, a systematic child find and service delivery system designed to meet the special education needs of children with disabilities and youth;
2. supporting statistical documentation verifying full compliance with full educational opportunity, including a description and explanation of the services to be made available to all children with disabilities;
3. an explicit statement that all children, between the ages of three (3) and twenty-one (21) with identified disabilities, have a free, appropriate public education.

In accordance with the preceding paragraphs, the Illinois State Board of Education will emphasize the following priorities for the use of Part B funds.

1. Priority Number 1 - unserved children with disabilities (between the ages of 3 and 21 years).

Illinois will continue providing special education and related services for all children with disabilities between 3 and 21 years of

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age in accordance with the School Code, the 23 Ill. Adm. Code 226, and the policies and procedures set forth in this document. No Part B funds may be utilized for programs and projects under other priorities unless this priority has been met in accordance with the specified policies and funding criteria.

2. Priority Number 2 - underserved children with disabilities (between the ages of 3 and 21 years).

As priority number 1 and 2 have been adequately met in application for funds, the Illinois State Board of Education will approve those applications for Part B funds which address the establishment of additional special education and related services for children with severe disabilities between the ages of 3 and 21 in each category of exceptionality who are currently receiving educational services, but who, on the basis of their individualized education programs, could profit from an expansion of their educational programs or by the addition of supplementary special educational services.

The estimates of federal and state resources needed to meet the special needs of children with disabilities in Illinois are delineated in the Illinois State Board of Education budget.

In order to determine what direct and supportive services should be provided by the Illinois State Board of Education, this agency solicited statewide input into the establishment of specific priorities for the use of Part B monies available to the Illinois State Board of Education from its share of the formula grant. Public hearings on the State Plan included the opportunity for public input into the establishment of these priorities. Any direct and supportive services to be provided with the funds will be within the context of this state's commitment to full educational opportunities for all children with disabilities and in accordance with the above-mentioned priorities. Those direct and supportive services to be provided will include:

1. Supplemental grants to local special education service units to assure full implementation of high-quality programs under the previously described priorities;
2. Flow-through of Part B funds to flow-through applicants to insure continuation of direct services and to assure implementation of a full spectrum of services for children and youth with low-incidence disabilities;
3. Statewide public awareness and service coordination to assist child find and related service projects in the full implementation of effective public/parent awareness and child advocacy procedures and for the maintenance of necessary information dissemination, data retrieval and provision of services regionally to assure a free, appropriate public education for all children with disabilities in

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Illinois;

4. Inservice training for personnel and parents to assist in carrying out the requirements of IDEA;
5. Services to eligible individuals, birth through 2, and their families to implement the full educational opportunity goal, consistent with Illinois' Part H application and;
6. Educational research, evaluation, and program development projects solicited and based on established priorities.

Procedures to Determine the Numbers of Inadequately Served Children with Disabilities

Illinois has an operational child identification system. Each child identified as disabled has an Individualized Education Program which specifies those special education and related services required to meet his/her unique educational needs. Those children with disabilities who are receiving some services, but need additional special education and related services as specified in their Individualized Programs or Plans (IEP or IFSP), and any identified children with disabilities for whom an IEP has not been fully developed will be reported as underserved on the ISBE Form 19-88 by each applicant.

Monitoring Activities

The monitoring activities outlined in the State Plan will focus on helping districts meet the needs of first- and second-priority children, in addition to being comprehensive in nature. On a random sample basis, spot checks will occur and discrepancies will be checked through a request for clarification during an on-site visitation. All other monitoring activities, including procedures, will occur as outlined.

Information relative to current priorities of the Illinois State Board of Education is detailed in Chapters I (Right to Education Policy Statement), II (Full Educational Opportunity Goal), and VII (Least Restrictive Environment).

III. CHILD IDENTIFICATION

Child Identification

State Policies and Procedures

This section of the state plan describes the policies and procedures that the Illinois State Board of Education uses to insure that all children with disabilities who are in need of special education and related services are identified, located, and evaluated.

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The process is delineated in statute at Section 14-8.02 of the School Code for children between the ages of 3 and 21 and in Public Act 87-680 for children ages birth through two. It is delineated in regulations for children between the ages of 3 and 21 in 23 Ill. Adm. Code 226.505 through 226.558. For children from birth through two, it will be delineated further in regulation pursuant to Public Act 87-680.

Each local school district submits policies and procedures as part of the grant application process. These policies and procedures address the requirements that all children residing within the jurisdiction of the local educational agency who are disabled, regardless of the severity, and who are in need of special education and related services are identified, located and evaluated.

Identification, Location and Evaluation of Children with Disabilities between the Ages of 3 and 21

Each local school district must actively seek out and identify all children with disabilities in the district who are between the ages of 3 and 21. Procedures used to fulfill this responsibility include:

1. An annual screening of children between the ages of 3 and 5 to identify those who may need special education;
2. Hearing and vision screening at regular intervals during the child's school career;
3. Speech and language screening of each child upon initial enrollment in a public school district in Illinois;
4. Annual screening by teachers and other professional personnel, for referral of those children who exhibit problems which interfere with their educational progress and/or their adjustment to the educational setting.

These procedures include coordination with local and state service agencies and existing parent groups.

The special education Funding And Child Tracking System (FACTS) serves as the primary method for reporting and determining which children are currently receiving needed special education services. It includes a mechanism for reporting children from birth through 21 who are receiving either a free appropriate public education or early intervention services.

Illinois does not have any identified unserved children over age 3. The needs assessment of the Federal grant application process serves as the method to determine which children are not currently receiving needed special education and related services. Funding priorities in the grant application must be based on first priority--unserved children, and second priority -- underserved children.

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When a child is identified through the screening process or exhibits problems which interfere with the child's educational process and/or adjustment to the educational setting, or when there is reason to believe that a child may require special education services, the child is referred for a case study evaluation. The local school district is responsible for determining the appropriateness of the referral, deciding what further action to take, and initiating the necessary procedures. If the district refuses or fails to conduct a case study evaluation, the parents may appeal the decision in an impartial due process hearing. When the district decides not to conduct a case study evaluation, the parents will be notified, in writing, of the date of the referral, the reasons the case study evaluation was requested and the reasons the district has decided not to conduct a case study evaluation.

The parents are notified in writing, by the local school district, of its proposal or refusal to initiate or change the identification, case study evaluation, reevaluation or educational placement of a child. Written parental consent is obtained before conducting a case study evaluation of a child. Before a child is given a case study evaluation, the local school district shall be responsible for determining the child's language use pattern, mode of communication, and cultural background. The child is given a case study evaluation appropriate to the nature of the problems which caused the referral. The intensity of the evaluation procedures are to be determined by the complexity of the child's problems and the amount of information necessary to understand those problems and develop the IEP.

#### Identification, Location and Evaluation of Children with Disabilities from Birth through 2

For children from birth through 2, Public Act 87-680, the Early Intervention Services Systems Act, became effective September 23, 1991. It addresses child find among other provisions, as required in 34 CFR 303.321 (b). It is the ongoing mechanism by which Illinois' infants and toddlers with developmental delay or who are at risk of developmental delay are identified for appropriate evaluation, monitoring and coordination of needed services in compliance with Part H. The child find system is consistent with Part B of the Act. Both aspects of the law are under the aegis of the Illinois State Board of Education as the lead agency.

The child find system includes policies and procedures that ensure the identification, location, and evaluation of eligible infants and toddlers and a method for determining eligible infants and toddlers who are receiving/not receiving early intervention services. Local district policies and procedures are required to delineate responsibilities for the identification, location, and evaluation of children with disabilities from birth through age twenty-one. A procedures document which further clarifies and expands those responsibilities under Part H was issued by the Illinois State Board of Education in August, 1990. The procedures document addresses referrals by primary referral sources, evaluation and assessment (as specified in 34 CFR 303.322) and an Individualized Family Service Plan meeting held (as specified

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in 34 CFR 303.342) within 45 days of referral.

The data collection effort for children and families served by Part H-funded early intervention programs consists of forms submitted on each child entering and exiting Part H-funded early intervention programs. These forms are referred to as Demographic Reports, Parts I and II. They collect data on various child and family demographic characteristics. Part I is completed when a child enters a Part H-funded early intervention program; Part II is completed when a child exits the program or as a result of an annual reevaluation. For each quarter of the federal fiscal year, each of the 27 funded programs report the number of children and families served, the services provided and the services listed on the Individualized Family Service Plan. This data collection device is referred to as the Quarterly Reports. Similarly, the diagnostic programs have a demographic report (when a child is diagnosed) and an analogous quarterly report to complete.

The Illinois State Board of Education is assigned primary responsibility for statewide coordination of planning and implementing of the child identification, location, and evaluation efforts (Section 14-8.02 of the School Code) and lead agency responsibility for Public Act 87-680.

Other major child find efforts are conducted by various Illinois public and private agencies, as outlined below:

Vision and hearing screenings are to be provided statewide, at various intervals during a child's school attendance by technicians trained and certified by the Department of Public Health.

The Illinois Department of Public Health's Regionalized Perinatal Program includes the Adverse Programming Outcomes Reporting System (APORS)/Input Follow-up Program which identifies and tracks newborn infants at risk statewide and refers these infants to the proper public agency to ensure that they receive necessary follow-up services. There are 10 Regional perinatal networks covering the entire state that coordinate follow-up services including referrals to early intervention providers, and diagnostic services for evaluation and assessment and, if appropriate, the development of an Individualized Family Service Plan.

Included in the available public screenings are APORS (Illinois Department of Public Health), Medichex (Illinois Department of Public Aid), Well Baby Clinics (Department of Public Health and Public Aid), Drugs and Medical Services (Division of Specialized Care for Children), Lead Screening (Department of Public Health), and community preschool screenings by local education agencies.

School districts which have state-funded prekindergarten at risk of academic failure programs must develop eligibility criteria and conduct screening. This agency continues to recommend to school districts that the annual screening of children between the ages of 3 and 5 for these



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at risk programs be combined to include screening for both children who are at risk of academic failure and those with disabling conditions.

Extent to Which Activities Have Been Achieved for Part H (Birth Through Two Years of Age)

Established in 1987 under P.L. 99-457, the State Interagency Council on Early Intervention heads a collaborative effort aimed at planning, developing, and implementing a comprehensive, interagency service system for children up to age 3, who have or are at risk of developing delays per Part H requirements. The State Board of Education serves as lead agency for the Part H initiatives in Illinois. The directors for the Departments of Mental Health and Developmental Disabilities, Children and Family Services, Public Health, Public Aid, Rehabilitation Services, Alcoholism and Substance Abuse, the Division of Specialized Care for Children, the Illinois Planning Council on Developmental Disabilities and the State Superintendent for the Illinois State Board of Education or their designees serve on the Council. Parents, service providers, a legislator, and a person providing personnel training also serve on the Council. The first meeting was held in March 1988. Council meetings are open to the public and held every other month.

Illinois has begun its fifth year of participation under P.L. 99-457. The federal application for fifth year funding has been completed following hearings which were held during July, 1991, to solicit public comments. The document was submitted to the federal government in September, 1991 and approved in January 1992. The application files a request for a waiver of fifth year requirements with extended participation at the fourth year funding level in the amount of \$3,347,095.

A Legislative Committee was convened in December 1989 to develop draft legislation for early intervention services in Illinois. A House Joint Resolution was also drafted in March 1990 and introduced April 25 to the House. It was passed by both the House and the Senate and signed on June 13, 1990. The resolution set up an 11 member appointed **Special Joint Committee on Early Childhood Intervention** to review all policies, plans, and problems identified by the SICEI regarding the adoption and implementation of a statewide system. Two public hearings to receive comments regarding a statewide early intervention system were held on November 19 and November 27, 1990. Before the Committee ceased to exist on January 1, 1991, it developed a report to the General Assembly on its findings, conclusions and recommendations, including recommended legislation and specific necessary funding regarding the creation and implementation of a statewide mandatory early intervention system. The Special Joint Committee released its report at a press conference on February 12, 1991 recommending legislation to mandate services for infants/toddlers and their families under Part H. House Bill 954--the Early Intervention Services System Act--was introduced in March, 1991. House Bill 954 was passed by the General Assembly and signed by Governor Edgar on September 23, 1991 as PA 87-680.

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The Lead Agency expanded an existing computerized information referral system to comprise the **Central Directory** in fulfillment of the federal Part H requirements. A grant has been awarded to Direction Service for this purpose.

The Council approved a **Public Awareness Plan** at the February, 1991, Council meeting. Under the banner "Look What I Can Do" (Early Intervention for Young Children with Developmental Delays), the first phase of public awareness focused on increased awareness of early intervention among the general public and support for a legislative mandate. The public awareness theme is "The Sooner We Start, the Farther They'll Go."

Extent to Which Activities Have Been Achieved for Part B (ages 3 through 21)

**Child Find: Building Better Tomorrows**, is a marketing campaign developed through a grant to Gallatin-Hardin-Pope-Saline Educational Service Region. The campaign has two basic goals: (1) to help local education agencies notify large numbers of people in diverse target audiences that Child Find can assist in securing appropriate programs and services for persons with disabilities under the age of 21 years and (2) to help local education agencies inform parents of persons with disabilities identified through Child Find of their rights to programs and services. The marketing program was designed to serve local school districts through the State Board of Education and special education cooperatives in Illinois. Program materials are made available to local school districts via their special education cooperatives. A toll-free number (1-800-851- 6197) is also operated as part of the campaign.

Each type of activity to be carried out during the period of the plan including the role of the coordinating agency is a continuation of the activities implemented under the previous plan.

Monitoring

For monitoring Part H, it is planned that cooperating agencies will assist the lead agency in the monitoring responsibilities. A monitoring instrument will be developed including a self-study by the program and a validation visit will be conducted by the team.

For monitoring Part B, the collection and analysis of information sufficient to determine compliance is carried out through the following coordinated, interrelated activities: local education agency applications, complaint investigations, follow-up to Level I and II due process administrative orders, focused compliance reviews, comprehensive reviews and local education agency reviews.

The application process includes submission of all the district's policies and procedures which govern the identification, evaluation, and placement of children with disabilities in special education programs and services. Approval of applications is contingent upon documentation that the applicant

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has current, an approved policies and procedures.

Focused reviews may be conducted as a result of any of the following: a regular review of the district/joint agreement file information, an allegation or reason to believe that a violation of compliance exists based on data from staff responsible for program approval and/or compliance; statewide issues as determined by the Department of Special Education and deficiencies in compliance identified in previous years and noted again in the current year.

Comprehensive reviews will be conducted on a periodic basis and will assess the effectiveness of special education programs and services. Strategies included in this review structure are self-evaluation and peer review as supported by the staff of the Department of Special Education. This monitoring will primarily be used for program improvement and will be conducted on a cyclical basis.

The methods used to determine which children are and are not receiving special education and related services are described in paragraphs 4, 5, 6, 9, 10 and 11 of this Section.

## IV. INDIVIDUALIZED EDUCATION PROGRAMS

Individualized Education Programs

The Illinois State Board of Education requires each public school district to develop an IEP for every student with a disability prior to the provision of special education and/or related services. This responsibility includes students with disabilities who are enrolled in a private or parochial school and who receive special education and or related services from a public agency. All districts are required, once a student is eligible for specialized instruction and has an IEP, to review the IEP and to revise it annually based on the needs of the student.

The Illinois State Board of Education has procedures to monitor and evaluate special education programs in the public schools. These procedures are included in the Illinois Special Education Monitoring Manual: Administrative Procedures for Assuring Regulatory Compliance.

State Agency Responsibility

Each public school district responsible for the education of a student with a disability must develop, implement and annually review an IEP for those students who are enrolled in the district and

1. are being educated within the district,
2. are placed in or referred to a private school or facility by the public agency, or

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3. are enrolled in a parochial or other private school and receiving special education or related services from a public agency.

The state education agency has a system which regularly monitors this provision. This system is described in the Illinois Special Education Monitoring Manual: Administrative Procedures for Assuring Regulatory Compliance.

When IEP Must Be in Effect

An IEP must be in effect for a student with a disability:

1. at the beginning of each school year for every child who is receiving special education from a public school district,
2. prior to the provision of special education and related services to the student; and
3. must be implemented as soon as possible following the IEP meeting(s) and no later than the beginning of the next school semester.

IEP Meetings

Pursuant to state and federal regulations, all public school districts must develop, implement, review and revise an IEP in the following manner:

Within thirty (30) days following the determination of student eligibility for specialized instruction, the district shall convene a conference for purposes of developing, or, when a student has been receiving services, for at least annually reviewing and revising the IEP.

When a participating agency for the provision of transition services, which is other than the educational agency, fails to provide agreed upon transition services, the educational agency shall, following the procedures delineated in this chapter, reconvene the IEP team to identify alternative strategies to meet the objectives of the transition plan.

Participants in Meetings

The participants at the meeting to develop an IEP must include:

1. A representative of the local school district, other than the child's teacher, who is authorized to commit services;
2. The child's teacher;
3. The child's parent(s);\*
4. The child, where appropriate;
5. For a child who has been evaluated or reevaluated, a member of the evaluation team or one of the other educational personnel who is knowledgeable about the evaluation procedures used with the child and

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is familiar with the results of the evaluation;

6. An interpreter if necessary;
7. Other individuals at the discretion of the parent or local district.

**Parent Participation**

The responsibility for ensuring parent participation and notifying parents of the opportunity to participate as well as documenting the district's efforts to secure parent participation at each IEP meeting includes:

1. At least ten (10) days prior to the conference, notice is provided to the parents/guardians of the student notifying them of the conference and of their opportunity to participate in the development of their child's IEP. That notice must include the following information:

\* Parent" throughout the document means the natural or adoptive parent, a guardian, a person acting as a parent of a child, or surrogate parent who has been appointed by the State Board of Education.

- a. The purpose of the meeting;
- b. The date, time and location of the conference;
- c. The names and titles of all participants;
- d. A statement of the opportunity to reschedule the meeting at a mutually agreed time, date and location.

2. If neither parent can attend, the public agency shall use reasonable efforts to convince the parents to participate such as visits to the parents' homes or place of employment, telephone calls to parents, and written communication to the parents.

3. When the public agency is unable to convince the parents that they should attend, a record of its attempts to arrange a mutually agreed on time and place must be maintained. This record may include detailed records of telephone calls made/attempted and the results of those calls, copies of correspondence sent to the parents or from the parents, and detailed records of visits made to the parent's home or place of employment and the results of those visits. Then the public agency is responsible for going forward with the conference.

4. For parents who may have difficulty understanding the proceedings at an IEP meeting, the public school district must take whatever action is necessary to ensure their understanding. Those actions may include, but are not necessarily limited to, arranging for an interpreter for parents who are deaf or whose native language is other than English.

**Content of IEP Program**

The conference participants must develop an IEP based on the needs of the

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student which must include:

1. A statement of the child's present levels of educational performance which includes in the areas adversely affected by the disability, at a minimum, the following elements:

- a. results, since the last IEP, of any tests administered by district personnel to the child during the individual evaluation or as part of the regular school program, and
- b. results since the last IEP of any non-test based evaluation conducted by district personnel of the child's social and emotional status, general intelligence, academic performance, communicative status, motor abilities, or vocational aptitude;
- c. the adverse effects of the child's disability on the child's educational performance;
- d. and shall not consist of a categorical label such as mentally impaired or deaf; and
- e. are linked to the statement of annual goals, short-term instructional objectives and specific special education and related services to be provided to the child as outlined in the IEP.

2. A statement of the annual goals, including the short-term instructional objectives. Annual goals are descriptions of what the child can reasonably be expected to accomplish within the timeframe covered by the IEP in all areas adversely affected by the disability. Short-term instructional objectives are measurable milestones which must be established for each identified annual goal, expressed in terms of anticipated outcomes or improvements, expressed for a period of time, and reasonably calculated to ensure the accomplishment of the specific annual goal(s).

3. A statement of the specific special education and related services to be provided to the child, and the extent to which the child will be able to participate in regular educational programs. Related services shall not include those services provided by licensed physicians, except for their diagnostic or evaluation services and consultation to education staff; licensed dentists except for diagnosis or evaluation and consultation to education staff; physician extenders; registered or licensed practical nurses, except as they are performing the function of a school nurse; and other medical personnel involved in the provision of ongoing medical care.

4. The extent to which the child will be able to participate in regular educational programs. This must include a description of the activity



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or the percentage of time the child will participate in the activity. These activities are in the academic, nonacademic and extracurricular areas which the child would attend if he/she were not disabled.

5. The projected dates for initiation of services and the anticipated duration of the services.
6. Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being achieved. These criteria must be directly related to the anticipated outcomes or improvements established by the statement of annual goals.

7. For students beginning at age 14.5, or younger when determined appropriate, consideration of transition goals and needed services. When services are required from agencies other than education, these services and the person(s)/agency responsible for the service must be included.

For a student preparing to leave the school setting, the interagency responsibility(ies) or linkages necessary to achieve the transition plan must be documented on the IEP.

Once the goals and objectives of the IEP are determined, the conference participants develop placement recommendations based on those goals and objectives. The conference participants must consider program options and document their rejection. Additionally they must apply proper least restrictive environment considerations. These considerations must include:

1. The educational program which is appropriate to the student's needs and least restrictive of the student's interaction with students who are not disabled;
2. The special education placement based on the child's IEP and located as close as possible to the child's home;
3. That the child must be educated in the school which he or she would attend if not disabled, unless the IEP of the child requires some other arrangement;
4. Consideration of any potentially harmful effects on the child, or the quality of services which he or she needs.

Following the development of the IEP and the determination of placement, the parent, on request, will be provided with a copy of the IEP.

At the close of the IEP meeting, the public school district will give to the parent a notice prior to placement of the child and a consent for initial placement form. This information must include:

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1. The result of the case study evaluation,
2. The nature of the special education program or services needed by the child,
3. The proposed placement and the plan for implementing that placement,
4. Their right to object to the proposed placement and the specific procedures in making such objection, including the procedures for requesting an impartial due process hearing.

If the parents consent to the proposed placement, they may waive the ten (10) calendar day interval before placement, and the child shall be placed in the recommended program as soon as practicable.

When the parents object to the proposed placement, they may appeal it by requesting a Level I hearing. Such a request must be made in writing to the superintendent of the local school district. Other options available to parents are mediation, the complaint system and other dispute resolution processes.

Private School Placements

For a child who may be served in a private school/facility or parochial school, a representative of the private school facility or the parochial school must be included in the meeting to develop the IEP. When the representative of the private school or facility cannot attend, the public school district shall use other methods to ensure participation of the private school or facility. These methods may include, but are not limited to, individual or conference telephone calls. Before a public school district places or refers a student with disabilities to a private school or facility, it must initiate and conduct a meeting to develop an IEP for the student.

A meeting to review and revise the IEP may be initiated and conducted by a private school or facility at the discretion of the public agency when a student has been placed in the private school. In such cases the public school district shall ensure that the parents and a public school district representative are involved in any decision about the child's individualized education program, and agree to any proposed changes in the program before those changes are implemented.

Responsibility for LEA initiated private school placements, which only come as a result of the recommendations of an IEP meeting, remains with the public agency and the state educational agency which has a process for ongoing monitoring of this system.

Children with Disabilities in Parochial or Other Private Schools

Responsibility for convening a meeting to initiate and conduct a meeting to

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develop, review, and revise an IEP for a child with a disability enrolled in parochial or other private schools and to ensure proper representation of the private or parochial school is delineated in Chapter XI, Private Schools.

Individualized education program accountability

Each public school district is responsible for providing special education and related services in accord with an IEP which has been developed for each child with disabilities. However, the law does not require an agency, teacher or other person be held accountable if the child does not achieve the growth projected in the annual goals and objectives.

Full educational opportunity goal

See Chapter II, Full Educational Opportunity Goal.

Program Options

All districts/joint agreements in Illinois must have a full continuum of special education services available to students with disabilities. In addition, options available to students with disabilities include the variety of educational programs and services available to non-disabled students who are served by the agency serving the student with a disability. See Chapter VII, Least Restrictive Environment. Nonacademic Services

All students with disabilities are to have access to nonacademic and extracurricular services and activities as are available and afforded to students without disabilities. Each student shall have an equal opportunity to participate in the nonacademic and extracurricular services and activities of the district providing the special education services. The nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the public school district, referrals to agencies which provide assistance to disabled persons, and employment of students, assistance provided by the public agency in making outside employment available, meals, and recess periods.

Physical Education

All students with a disability receiving a free appropriate public education must receive physical education services, specially designed if necessary. Each child with a disability is afforded the opportunity to participate in the regular physical education program of the district which is available to nondisabled students unless the child is enrolled full-time in a separate facility or the child needs specially designed physical education, as included in the child's IEP.

In such cases where specially designed physical education is included in a student's IEP, the public school district responsible for the education of the

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student shall provide the service directly or shall make arrangements for them to be provided through other public or private programs.

When a student with a disability is enrolled in a separate facility, the public school district responsible for the education of the student shall ensure that the child receives appropriate physical education services, either regular or specially designed.

## V. PROCEDURAL SAFEGUARDS

Procedural Safeguards

Illinois has policies, statutes and regulations developed to assure the appropriate provision of procedural safeguards for children with disabilities and their parents/legal guardians. These policies, statutes and regulations are binding on all public schools in Illinois and are applicable to all private facilities for the individuals with disabilities receiving public funds, see Section 14- 7.02 of the School Code.

The system of procedural safeguards provides for notification, prior consent, complaint resolution, mediation and impartial due process hearings to resolve controversies among and between school districts, parents/legal guardians/surrogate parents, and persons or parties who have primary care and custody of a child.

Implementation Procedures/General Responsibilities of Public Agencies

The Illinois State Board of Education requires all independent districts and joint agreements to submit and implement a complete set of procedures which have been reviewed and approved by staff of this agency. These procedures have been developed by districts and joint agreements. After a series of training workshops by the Department of Special Education. Local education agencies are required to submit revisions as necessary to be in compliance with state and federal regulations.

Opportunity to Examine

The mandated Notice and Consent Form includes assurances that consent is voluntary as does the parent's rights statement contained in A Parent's Guide: Educational Rights of Children with Disabilities. These same documents notify parents of their rights to access records.

Independent Education Evaluation

If the parents disagree with an evaluation obtained by the local school district, the district shall inform the parents of the opportunity to obtain an independent evaluation at public expense.

. In such cases, the local district may initiate an impartial due

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process hearing prior to such independent evaluation to demonstrate that the district's evaluation is appropriate.

. If the final decision is that the local district's evaluation is appropriate, the parent shall have the right to an independent evaluation, but not at public expense.

The State Board of Education has contracted with Southern Illinois University to provide, manage and distribute a list of independent evaluators. Additionally, the Illinois Administrative Code insures that the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, be the same as the criteria which the public agency uses when it initiates an evaluation.

All hearing officers have been informed that among their duties and options is to determine the need, if any, for an independent evaluation and to order such an evaluation at public expense if they determine a need for such an evaluation.

Prior Notice; Parent Consent

Illinois presently requires notice when a school refers a child for a case study evaluation. Written parental consent to perform the case study evaluation and written parental consent to initially place a student in special education are required. Written parent notification is required 10 days prior to change, continuation or termination of special education or the provision of a free appropriate public education. In instances when the parent refuses consent, the local district must initiate a due process hearing to determine the appropriateness of the proposed action. As with all due process hearings, the student's services may not be changed during the hearing process, i.e., except for the initial evaluation and initial placement, consent may not be required as a condition of any benefit to the parent or child.

Content of Notice

Illinois presently requires all school districts either individually or jointly through a cooperative agreement to develop and implement procedures for creating public awareness of special education programs and for advising parents of the rights of children with disabilities. Such procedures must include annual notification to all parents regarding the special education programs and services available including their right to obtain copies of Illinois' regulations for special education. Further, when making notification of a proposed action, placement or refusal to do either, a school district must detail, as appropriate, in this notice the reasons for the action.

This notice shall be provided in the native language of the parents or other mode of communication used by the parents.

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Impartial Due Process Hearing

Parents, or school districts may request a hearing when there are differences regarding a proposal to initiate or change the identification, evaluation, educational placement of the child or the provision of a free appropriate public education to the child. Requests for hearings result in a hearing conducted at the local level by an impartial hearing officer.

The Illinois State Board of Education provides, upon request, technical assistance related to the conduct and procedures for hearings. This is accomplished primarily through staff inservice projects, written communication, presentations, publications and other information dissemination procedures. The Illinois State Board of Education has published for statewide dissemination A Parent's Guide: Educational Rights of Children with Disabilities which details parent rights, the procedures necessary to invoke due process proceedings and suggested steps for the conduct of such hearings. This publication is available in English and Spanish. Parent rights information is also available through such organizations as the Illinois Association of Retarded Citizens, the Family Resource Center on Disabilities, the Illinois Alliance for Exceptional Children and Adults and other parent, consumer and advocacy groups. The Illinois State Board of Education cooperates with a statewide network of advocates who are available to provide "free or low-cost legal and other relevant services" to any person(s) party to such a hearing.

Impartial Hearing Officer

The Illinois State Board of Education has available qualified persons to serve as Level I impartial due process hearing officers. Criteria for hearing officers are as follows: 1) shall not be an employee of the State Board of Education, the local school district, any joint agreement or cooperative program in which the district participates, or any agency or organization that is directly involved in the diagnosis, education or care of the student; 2) shall not be a resident of the district involved; 3) shall not be involved in the decisions already made about the child regarding identification, evaluation or placement, and may not have a personal or professional interest which would conflict with his or her objectivity; and 4) shall possess knowledge and information, acquired through training under the auspices of the State Board of Education about applicable case law and rules and regulations related to the education of students with disabilities and the nature and educational needs of children with disabilities.

The Illinois State Board of Education, as the public agency, prepares and maintains a complete list of hearing officers and their qualifications. All parties to a Level I hearing are given a list of five hearing officers and their qualifications. The complete list of hearing officers, including each person's qualifications, will be furnished to each independent school district and special education joint agreement with an accompanying memorandum which instructs the LEA to maintain the rosters and make it available to the general



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public.

## Hearing Rights

Any party to a hearing, as detailed above, has the right to representation and counsel, to present evidence and examine the witnesses, to compel the attendance of witnesses, to obtain a written or verbatim record of the hearing, and to obtain written findings of fact and decisions.

Parents have the right to open the hearing to the public.

Illinois rules provide for the attendance at a hearing of the child for whom the hearing has been convened. Further, since any party to the hearing, including parents, can compel attendance of any person at a hearing, parents are assured of the right to have their child present if they so desire.

Hearing Decision; Appeal

In Illinois, state-trained Level I hearing officers render decisions to the parties. Local school districts are responsible for implementation of the hearing officer's orders. The Level I decision is binding upon the parties unless appealed by either party. The Illinois State Board of Education may enforce the Level I decision by denying approval of special education programs, withholding state or federal funds, reducing school district recognition status or initiating court action. Either party aggrieved by the decision of the hearing officer may appeal that decision to the State Board of Education.

## Administrative Appeal; Impartial Review

Either party aggrieved by the Level I hearing officer's decision may appeal that decision to the State Board of Education. The State Board has available trained impartial Level II review officers to consider the appeal based upon a study of the entire hearing record. The qualifications for Level II review officers are as follows: 1) shall not be an employee of the State Board of Education; 2) shall not be gainfully employed by or administratively connected with the school district, joint agreement, or cooperative program which is to be reviewed; 3) shall be accredited by a national arbitration organization; and 4) shall possess knowledge and information acquired through training under the auspices of the State Board of Education about applicable case law and rules and regulations related to the education of disabled students and the nature and educational needs of those children. The reviewing officer shall 1) insure that the procedures at the hearing are consistent with the requirements of due process; 2) insure if a hearing is held to receive additional evidence the hearing rights in Ill. Adm. 226.636 and 640 apply; 3) make an independent decision on completion of the review. The Level II reviewing officer, at the request of either party, shall afford the parties an opportunity for additional testimony. Parents and the local district must apprise each other with any additional information provided to the Level II review officer either by request of the review officer or by the parent or

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district. The Level II review officer submits the review decision within thirty (30) days of the receipt of the appeal except when an extension of a specified length has been granted by request of the parties to the review.

Upon completing the review, the Level II review officer issues an administrative order which is binding on all parties to the review and may be enforced by the State Board of Education by denying approval of special education programs, withholding state or federal funds, reducing school district recognition status or initiating action in a court of law.

## Civil Action

Any party aggrieved by the findings and/or decision rendered in a Level II review shall have the right to bring a civil action in a circuit court of competent jurisdiction. The civil action may be filed in either State or Federal court.

Parents in Illinois are notified of their right to bring civil action if they are dissatisfied with the Level II review decision in the Illinois State Board of Education document, A Parent's Guide: The Educational Rights of Children with Disabilities. The handbook is disseminated to each local school district and joint agreement. Whether or not the LEA or joint agreement provides the information contained in the handbook to parents is monitored as a regular component of the Illinois State Board of Education compliance visits. Additionally, parents who contact the State Board of Education regarding parent and student rights are furnished a copy of the handbook directly from this office.

## Timelines and Convenience of Hearings and Reviews

In Illinois, once a request for a hearing is initiated, the local district receiving or initiating the request must request a list of prospective hearing officers from the Illinois State Board of Education. The parent and local district select a hearing officer from the list of five (5) prospective hearing officers provided by the Illinois State Board of Education through a striking process.

The local district shall notify the Illinois State Board of Education of the selection. The State Board shall appoint the hearing officer. Once appointed, the hearing officer is instructed to hold the hearing within fifteen (15) days of his or her appointment, but may extend that timeline at the request of either party. Hearings shall be held at a time and place convenient for both parties involved. Once the hearing has been completed, the hearing officer has ten (10) calendar days to issue a decision to the local district and the parents. The Level I hearing officers final decision must be reached and a written decision sent to both parties within forty-five days of the district's receipt of the initial request for a hearing. Timelines may be extended at the request of either party.

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Upon receipt of the Level I hearing officer's decision, either party to the decision has thirty (30) calendar days to request a Level II review by notifying the Illinois State Board of Education in writing.

Upon receipt of an appeal, the Level II reviewer has thirty (30) calendar days in which to provide a decision relative to the Level II review, but may extend that deadline for a specific length of time at the request of the parties.

The Department of Special Education provides follow-up to all Level I due process hearings and Level II administrative orders. The following is the procedure used by the Department.

Procedure for Follow-up to Level I Due Process Hearings

1. Department of Special Education staff review each local due process hearing report.
2. Department of Special Education staff prepare a letter to the parent and the district delineating the compliance material required and the due date. The due date is generally set by the hearing order.
3. A letter is sent to the district and parents indicating that:
  - a. Documentation received to date complies with the local hearing officer's decision and the case is closed; or
  - b. The status report and/or documentation does not comply with the hearing officer's decision and a list of needed remediations is being returned to the district. Correspondence is to be addressed to the district and the parent/guardian.
  - c. An on-site visit to promote compliance, as needed, may be scheduled.
4. If the district does not comply within the specified time, the State Board of Education begins enforcement.

Procedures for Followup to Level II Reviews

1. A Department of Special Education staff member will review the Level II order and note follow-up that is necessary. A letter is prepared to the parent and district delineating the compliance material required and the due date. The due date is generally set by the hearing order.
2. A Department of Special Education staff member will followup accordingly:
  - a. Documentation received complies with the local hearing officer's

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decision and the case is closed; or

- b. The status report and/or documentation does not comply with the hearing officer's decision and a list of needed remediations is being returned to the district. Correspondence is to be addressed to the district and the parent/guardian.
  - c. An on-site visit to promote compliance may be scheduled, as needed.
3. If the district does not comply within the specified time, the State Board of Education begins enforcement.

Dissemination of Hearing Officers Decisions

The State Board of Education shall, after deleting any personally identifiable information, make the decisions of the hearing officers available to the Illinois State Advisory Council. Those decisions are shared with the Advisory Council bi-monthly and are discussed during their quarterly meetings. The decisions of the hearing officers are also disseminated to the Advisory Council mailing list, directors of special education, hearing officers, parent groups and the general public.

Children's Status during Proceedings

A child, about whose educational program a hearing has been requested, will remain in his/her current placement unless a change is agreed to by the parties to the hearing.

Similarly, when the parents are seeking initial placement in a public school, the child, with the consent of the parents, must be placed in a public school program until the completion of all the proceedings.

Surrogate Parents

When the parent of a child with a disability is unavailable or the child with known or suspected disabilities is a ward of the Department of Children and Family Services, the local district shall request the appointment of a surrogate parent by the Illinois State Board of Education.

Whenever a surrogate parent is appointed, under any circumstances, the surrogate parent has the authority to represent the child in all matters relating to the identification, evaluation, educational placement of the child and the provision of a free appropriate public education to the child.

A person serving as a surrogate parent must be a responsible citizen, other than an employee of the Illinois State Board of Education, or the local school district in which the child is enrolled and may not be an employee of an agency involved in the care of the child, and shall possess a racial,

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linguistic and cultural background as similar to the child as possible and shall complete the Illinois State Board of Education's training program.

Mediation

In January of 1982, the Illinois State Board of Education began a voluntary mediation system. This system assists parties in resolving differences in a less adversarial fashion. Mediation occurs prior to due process hearing.

Since January 1, 1982, mediators for the State Board of Education have conducted 1,211 mediations. 82.35% of those mediations have resolved the dispute. Currently, there are 12 trained mediators. Parents and local education agencies gain a better understanding of each other's concerns through the mediation process. The resolution of these disputes has contributed to a decrease in the number of due process hearings, and also encouraged a cooperative working relationship between schools and parents.

## VI. CONFIDENTIALITY OF PERSONALLY IDENTIFIABLE INFORMATION

Confidentiality

Article 50-4 of the School Code states that:

1. Each school shall designate an official records custodian who is responsible for the maintenance, care and security of all school student records, whether or not such records are in his personal custody or control.
2. The official records custodian shall take all reasonable measures to prevent unauthorized access to or dissemination of school student records.
3. Information contained in or added to a school student record shall be limited to information which is of clear relevance to the education of the student.
4. Information added to a student temporary record after the effective date of this Act shall include the name, signature and position of the person who has added such information and the date of its entry into the record.
5. Each school shall maintain student permanent records and the information contained therein for not less than 60 years after the student has transferred, graduated or otherwise permanently withdrawn from the school.
6. No school shall maintain any student temporary record or the information contained therein beyond its period of usefulness to the student and the school, and in no case longer than 5 years after the

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student has transferred, graduated or otherwise permanently withdrawn from the school. Notwithstanding the foregoing, a school may maintain indefinitely anonymous information from student temporary records for authorized research, statistical reporting or planning purposes, provided that no student or parent can be individually identified from the information maintained.

7. The principal of each school or the person with like responsibilities or his or her designee shall periodically review each student temporary record for verification of entries and elimination or correction of all inaccurate, misleading, unnecessary or irrelevant information. The State Board shall issue regulations to govern the periodic review of the student temporary records and length of time for maintenance of entries to such records.
8. Before any school student record is destroyed or information deleted therefrom, the parent shall be given reasonable prior notice in accordance with regulations adopted by the State Board and an opportunity to copy the record and information proposed to be destroyed or deleted.
9. No school shall be required to separate permanent and temporary school student records of a student not enrolled in such school on or after the effective date of this Act or to destroy any such records, or comply with the provisions of paragraph (9) of this Section with respect to such records, except (1) in accordance with the request of the parent that any or all of such actions be taken in compliance with the provisions of this Act or (2) in accordance with regulations adopted by the State Board.

Notice to Parents\*

Illinois is a multilingualistic state, with no single public medium that could insure that parents and other interested parties are informed of the information through a statewide effort. Therefore, the notice requirements in this Section are met by the local education agency. The Illinois State Board of Education directs the local education agency to provide the referenced information through annual and as needed notices before any major identification, location, or evaluation activity in the public media within their catchment area. These notices are also written in the native languages of the communities and subcommunities. The Illinois State Board of Education monitors local education agencies to insure that such notices are published annually. A description of all the rights of parents and children regarding this information including the rights under 2438 of the General Education Provisions Act and Part 99 will be provided to all parents upon their child's enrollment in public school.

23 Ill. Adm. Code 375.30 states:



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1. Upon the initial enrollment or transfer of a student to the school, the school shall notify the student and the student's parent(s) of their rights under the Act as specified in subsection (d) of this Section.
2. All notification to parents of children classified under Section 14C-3 of the School Code shall be in English and in the language of the child's primary speaking ability.
3. This notification may be delivered by any means likely to reach the parents, including direct mail, parent-teacher conferences, delivery by the student to the parent, or incorporated in a "parent-student" handbook or other informational brochure for students and parents disseminated by the school.
4. Such notification shall consist of:
  - a. The types of information contained in the permanent and temporary records;
  - b. The right to inspect and copy permanent and temporary records and the cost of copying such records;
  - c. The right to control access and release of school student records and the right to request a copy of information released;
  - d. The rights and procedures for challenging the contents of the school student record;
  - e. The persons, agencies or organizations having access to student records without parental consent;
  - f. The right to copy any school student record or information contained therein proposed to be destroyed or deleted and the school's schedule for reviewing and destroying such information;

\* Parent(s)" throughout this document means a person who is the natural parent of the student or other person who has the primary responsibility for the care and upbringing of the student i.e., guardian, surrogate parent.

- g. The categories of information the school has designated as "directory information" and the right of the parents to prohibit the release of such information;
- h. A statement informing the parents that no person may condition the granting or withholding of any right, privilege or benefits or make as a condition of employment credit or insurance the securing by any individual of any information from a student's temporary record which such individual may obtain through the

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- exercise of any right secured under the Act or this Part.
- i. The right of the parents to inspect and challenge the information contained in a school student record prior to transfer of the record to another school district, in the event of the transfer of the student to that district; and,
  - j. Any policies of the school relating to school student records which are not included in the Act or this Part.
  5. The principal of each school or the person with like responsibilities or his or her designee shall take all action necessary to assure that school personnel are informed either orally or in writing of the provisions of the Act and this Part.

Additional information regarding public notice prior to major identification, location and evaluation activity can be found at 23 Ill. Adm. Code 226.505.

Access Rights/Record of Parties Obtaining Access

Article 50-6 of the School Code states that no school student records or information contained therein may be released, transferred, disclosed or otherwise disseminated, except as follows:

1. To a parent or student or person specifically designated as a representative by a parent;
2. To an employee or official of the school or school district or State Board with a current demonstrable educational or administrative interest in the student, in furtherance of such interest;
3. LCTO the official records custodian of another school within Illinois or an official with similar responsibilities of a school outside Illinois, in which the student has enrolled or intends to enroll, upon the request of such official or student;
4. To any person for the purpose of research, statistical reporting or planning, with the permission of the State Board or an authorized official of such Board, provided that no student or parent can be identified from the information released;
5. Pursuant to a court order, provided that parent shall be given prompt written notice upon receipt of such order of the terms of the order, the nature and substance of the information proposed to be released in compliance with such order and an opportunity to inspect and copy the school student records and to challenge their contents;
6. To any person as specifically required by State or federal law; or

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7. Subject to regulations of the State Board, in connection with an emergency, to appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons;
8. To any person, with the prior, specific, dated written consent of the parent designating the person to whom the records may be released, provided that at the time any such consent is requested or obtained, the parent shall be advised in writing that he/she has the right to inspect and copy such records, to challenge their contents in and to limit any such consent to designated records or designated portions of the information contained therein.

Parental consent must be obtained before personally identifiable information is used for any purpose other than meeting a requirement under Article 50-6 of the School Code.

No information may be released unless the parent receives prior written notice of the nature and substance of the information proposed to be released, and an opportunity to inspect and copy such records. There is a provision, however, that such notice shall be sufficient if published in a local newspaper of general circulation or other publication directed generally to the parents involved, where the proposed release of information relates to more than 25 students.

A record of any release of information pursuant to this Section must be made and kept as a part of the school student record and subject to the access granted by Section 50-5 of the Illinois School Student Records Act. Such record of release shall be maintained for the life of the school student records and shall be available only to the parent and the official custodian. Each record of release shall also include:

1. The nature and substance of the information released;
2. The name and signature of the official records custodian releasing such information;
3. The name of the person requesting such information, the capacity in which such a request has been made, and the purpose of such request;
4. The date of the release; and
5. A copy of any consent to such release.

Except for the student and his/her parents, no person to whom information is released pursuant to this Section and no person specifically designated as a representative by a parent may permit any other person to have access to such information without prior consent of the parent obtained in accordance with the requirements of subparagraph (8) of paragraph (a) of this Section.

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Nothing contained in this Act shall prohibit the publication of student directories which list student names, addresses and other identifying information and similar publications which comply with regulations issued by the State Board.

The Illinois State Board of Education requires the maintenance of minimum personal information necessary to a school in the education of the child. Such information may include the student's name, birthdate, address, grades and grade level, parent's name and addresses, attendance records and other entries the State Board may require or authorize. This minimal personal information is kept on any person enrolled or previously enrolled in a school.

All rules and regulations adopted by a school relating to the maintenance of, access to, dissemination of or challenge to school student records shall be available to the general public.

The Illinois State Board of Education promulgated rules and regulations to govern school student records, 23 Ill. Adm. Code 375 (School Student Records).

- Section 375.30 stipulates the responsibility of the school to inform parents of rights to review and inspect records.
- Section 375.50 specifies that cost for copies of records to a parent or student cannot exceed \$.35 per copy and inability to bear the cost of such copying cannot be a reason for denying a request. General maintenance and retrieval is an assumed responsibility of the district and is so reflected in the tone of all regulatory language within the state policy.
- Section 375.30 specifies that the school principal of each school or designee is responsible for assuring that training and instruction are provided regarding these policies.
- Section 375.30 specifies that a record of persons, agencies, or organizations having access to student records will be available to parents.

Parents may have representatives inspect and review the records if there is prior, specific, dated, written consent of the parent designating the person to whom such records may be released, the reason for the release, and the specific records to be leased.

Information pertaining to the identification, education, and placement of a child with a disability and the provision of a free, appropriate public education are considered to be a part of a student's Temporary Record. Parents must be notified of their right to inspect and copy permanent and temporary records and the cost of copying these records. A parent's or student's request to inspect and copy records must be granted within a reasonable time, and in no case later than 15 school days after the date of

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receipt of such request by the official record custodian. The right to inspect and review educational records include the right to a response from the participating district/agency to reasonable requests for explanations and interpretations of the records. A district/agency may presume that the parent has authority to inspect and review records relating to his or her child unless the district/agency has been advised that the parent does not have the authority under applicable State law governing such matters as guardianship, separation, and divorce.

"Parent" is defined as a person who is the natural parent of the student or other person who has the primary responsibility for the care and upbringing of the student.

Each school shall designate an official records custodian who shall, among other duties, record the name, signature and position of the person who has added information to records, along with the date of access.

A parent or any person specifically designated as a representative by a parent shall have the right to inspect and copy all school student permanent and temporary records of that parent's child.

## Records on More Than One Child

The Illinois State Board of Education's internal procedures, the procedures of its subgrantees and the Illinois Student Records Act all assure that no records containing information on more than one student are presented for inspection, review or copied in any way as to divulge information concerning any student other than the student who is the subject of the inquiry.

The regulatory procedures to challenge educational records are outlined below:

## Challenge Procedures

1. Parents shall be notified of their right to a hearing to challenge any entry exclusive of grades in the school student records on the basis of:

- a. accuracy;
- b. relevance; or,
- c. propriety.

2. The request for a hearing shall be submitted in writing to the school and shall contain notice of the specific entry or entries to be challenged and the basis of the challenge.

3. Each school shall establish administrative procedures for parents to challenge the contents of student records. Such procedures shall include:

- a. An initial informal conference with the parents, within 15 school

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days of receipt of the request for a hearing.

- b. If the challenge is not resolved by the informal conference, formal procedures shall be initiated.

- c. A hearing officer, who shall not be employed in the attendance center in which the student is enrolled, shall be appointed by the school.

- d. The hearing officer shall conduct a hearing within a reasonable time, but no later than 15 days after the informal conference, unless an extension of time is agreed upon by the parents and school officials. The hearing officer shall notify parents and school officials of the time and place of the hearing.

- e. At the hearing each party shall have the rights outlined in Sections 7(b)(1) through 7(b)(4) of the Act.

- f. A verbatim record of the hearing shall be made by a tape recorder or a court reporter. A typewritten transcript may be prepared by either party in the event of an appeal of the hearing officer's decision. However, a typewritten transcript is not required in an appeal.

## List of Types and Location of Information

Districts shall notify parents of the types and locations of educational records collected, maintained or used by the district.

## Fees

A school district may not charge a fee to search for or to retrieve information. A district may charge a fee of not more than \$.35 per page of the record which are made for parents if the fee does not effectively prevent the parents from exercising their right to inspect and review those records.

## Amendment of the Record

Parents have the right to challenge the accuracy, relevance or propriety of any entry in the school student records, exclusive of academic grades of their child. The school district shall hold an initial informal conference regarding the parents' challenge of the records.

## Opportunity for a Hearing

Procedures for the hearing process are outlined in 23 Ill. Adm. Code 375.90. The hearing officer, after deciding the case, must inform both parents and district of that decision. Either party has a right to appeal that decision.



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Policies for parental consent for release of information are covered in the regulations, including policies for emergency release of records.

Each school shall designate an official records custodian who is responsible for the maintenance, care and security of all school student records. Any information added to a temporary record (after March 24, 1976) shall include the name, signature and position of the person who has added such information and the date of its entry into the record.

The school district informs parents when personally identifiable information collected, maintained or used is no longer needed to provide educational services to a child, through the regulation requirements for the school to notify the parents and student of the destruction schedule for the student permanent and temporary records and the parents' right to request same before destruction.

All rights and privileges accorded to a parent become exclusively those of the student upon his or her 18th birthday, graduation from secondary school, marriage, or entry into military service, whichever occurs first. Such rights and privileges may also be exercised by the student at any time with respect to the student's permanent school record.

Compliance with the above-stated statutes and regulations is monitored by the Illinois State Board of Education.

#### Results of Hearing

The written decision of the hearing officer shall, no later than 10 school days after the conclusion of the hearing, be transmitted to the parents and the school district. It shall be based solely on the information presented at the hearing and shall be one of the following:

1. To retain the challenged contents of the student record;
2. To remove the challenged contents of the student record; or
3. To change, clarify or add to the challenged contents of the student record.

Any party shall have the right to appeal the decision of the local hearing officer to the Superintendent of the Educational Service Region within 20 school days after such decision is transmitted. If the parent appeals, the parent shall so inform the school and within 10 school days the school shall forward a transcript of the hearing, a copy of the record entry in question and any other pertinent materials to the Superintendent of the Educational Service Region. The school may initiate an appeal by the same procedures. Upon receipt of such documents, the Superintendent of the Educational Service Region shall examine the documents and record to determine whether the school

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district's proposed action in regard to the student's record is in compliance with the Act and this part, make findings and issue a written decision to the parents and the school within 20 school days of the receipt of the appeal documents. If the subject of appeal involves the accuracy, relevance or propriety of any entry in special education records, the Educational Service Region Superintendent should seek advice from special education personnel:

- 1) who were not authors of the entry, and
- 2) whose special education skills are relevant to the subject(s) of the entry in question.

The school shall be responsible for implementing the decision of the Superintendent of the Educational Service Region.

#### Hearing Procedures

See Opportunity for a Hearing

#### Consent

See Access Rights

#### Safeguards

This agency annually conducts an inservice session which has as its content the responsibility to ensure confidentiality of personally identifiable information at collection, storage, disclosure and destruction. This training is the responsibility of a staff member who also is responsible for random inspection of the workplace to ensure that personally identifiable information is handled in a confidential manner.

It is the policy of the agency to provide the names and positions of all employees who have access to personally identifiable information upon specific request.

#### Destruction of Information

The State Board of Education maintains the following information on children with disabilities for the purpose of fulfilling requirements of the United States Department of Education: name, birthdate, school district, disability, level of service, related services.

This information is gathered from all special education joint agreements and independent districts through both electronic and manual data gathering. The information is aggregated at the headquarters of the State Board of Education and is used for the aforementioned purpose. Additionally, aggregated information is used for the following purposes:

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1. Monitoring
2. Research
3. Long-range planning

The Illinois School Student Records Act details and regulates the security, maintenance, disclosure, retention and destruction of personally identifiable student records.

The destruction of records which are no longer needed is covered in Section 50-4f-1 of the Illinois School Student Records Act.

1. No school shall maintain any student temporary record or the information contained therein beyond its period of usefulness to the student and the school, and in no case longer than 5 years after the student has transferred, graduated or otherwise permanently withdrawn from the school. Notwithstanding the foregoing, a school may maintain indefinitely anonymous information from student temporary records for authorized research, statistical reporting or planning purposes, provided that no student or parent can be individually identified from the information maintained.
2. The principal of each school or the person with like responsibilities or his or her designee shall periodically review each student temporary record for verification of entries and elimination or correction of all inaccurate, misleading, unnecessary or irrelevant information. The State Board shall issue regulations to govern the periodic review of the student temporary records and length of time for maintenance of entries to such records.
3. Before any school student record is destroyed or information deleted therefrom, the parent shall be given reasonable prior notice in accordance with regulations adopted by the State Board and an opportunity to copy the record and information proposed to be destroyed or deleted.
4. No school shall be required to separate permanent and temporary school student records of a student not enrolled in such school on or after the effective date of this Act or to destroy any such records, or comply with the provisions of paragraph (g) of this Section with respect to such records, except (1) in accordance with the request of the parent that any or all of such actions be taken in compliance with the provisions of this Act or (2) in accordance with regulations adopted by the State Board.

## Children's Rights

Children are afforded the same rights of privacy as their parents as covered in Section 50-2g of the School Student Records Act and states:

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All rights and privileges accorded to a parent under this Act shall become exclusively those of the student upon his 18th birthday, graduation from secondary school, marriage or entry into military service, whichever occurs first. Such rights and privileges may also be exercised by the student at any time with respect to the student's permanent school record.

## Enforcement

The compliance of local education agencies with the following legal obligations is assured and monitored by the Department of Special Education, Illinois State Board of Education.

34 CFR, Subtitle B, Part 300, Assistance to States for Education of Handicapped Children;

34 CFR, Part 76, (with Appendices) Education Department General Administrative Regulations;

23 Illinois Administrative Code 226, Illinois State Board of Education;

The School Code, Illinois Revised Statutes, Chapter 122

Monitoring is defined by the Department of Special Education as the ongoing process of collecting and analyzing information from all entities serving children with disabilities to determine compliance with all state and federal requirements. A proper standard of monitoring, as required by Federal regulation, includes procedures for the correction of deficiencies within a reasonable period of time and for the enforcement of all state and federal legal obligations.

To achieve the expectations of this definition, the Illinois Special Education Monitoring Manual was developed and includes specific standards extracted from the laws, rules and regulations, and guidelines. The intent of this manual is to assist administrators in understanding the standards against which their programs and services are measured.

## VII. LEAST RESTRICTIVE ENVIRONMENT

Number of Children

The numbers of children with disabilities within each disability category who are participating to any degree in regular education programs and the numbers who are in separate classes or separate school facilities or are otherwise removed from the regular education environment, are submitted in the state's annual Federal Data Report.

**General: Illinois State Board of Education Policy on IRE**

Both federal and state laws and regulations governing services for

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Placement refers to the overall educational environment in which special education and related services are provided to a student with disabilities. The Illinois State Board of Education has adopted procedures to insure that, to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who do not have disabilities. Furthermore, special classes, separate facilities, separate schools, and separate programs are not to be used solely on the basis of the disability. Placement is such that education in regular classes with supplementary aids and services cannot be achieved satisfactorily. Through its monitoring process and training activities, the Illinois State Board of Education ensures that these procedures are followed by each local education agency/joint agreement (LEA/JA).

Continuum of Placement

Each LEA/JA must have in place a full continuum of services for students with disabilities to the extent necessary to meet the needs of its students. As specified in the Illinois Special Education Monitoring Manual, this continuum must include: (1) a program with the most restrictive, alternate standard program, standard program, cooperative program, home and hospital program and services, special program, cooperative program, home and hospital program and the state-operated or private program. This continuum is available in each public agency to the extent that it is necessary to meet the needs of students with disabilities served by the LEA/JA. In addition, each LEA/JA must make provisions for supplementary services such as a resource room, itinerant instruction, consultation, specialized materials, equipment, and methods to be provided in conjunction with regular class placement. Through its monitoring process the Illinois State Board of Education will monitor LEAs/JAs to insure that this continuum is available, if it is necessary and appropriate for that LEA/JA.

Placements

As specified in the Illinois Special Education Monitoring Manual, the State will monitor each LEA/JA to ensure that students with disabilities are placed in the least restrictive environment. This will include that:

1. Each child's educational placement is determined at least annually, based on his/her IEP and is as close as possible to the child's home;
2. The various placements included in the continuum are available to the extent necessary to implement the IEP for each child with a disability; and
3. Unless a child's IEP requires some other arrangement, the child is educated in the school he or she would attend if the child did not have a disability.

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children with disabilities in school districts require that children with disabilities be "placed" in the least restrictive environment. These requirements mean that school districts must consider placement of a child with disabilities in the regular classroom which the child would attend if he/she were not disabled, unless the nature or severity of the child's disability is such that the child cannot satisfactorily accomplish the educational goals and objectives in the IEP in that environment even with supportive aids and services. Parents play a direct and active role in formulating placement decisions and written parental consent must be obtained by a school district before the initial placement of a child with a disability may be made.

The Illinois State Board of Education has promulgated regulations to assure that Illinois educational agencies adhere to federal and state requirements regarding least restrictive environment (LRE):

- a) Recommendations for special education placement shall be based on the following:

- 1) The child shall be placed in the educational program which is appropriate to the student's needs and least restrictive of the interaction with children without disabilities.
- 2) The special education placement must be based on the child's IEP and located as close as possible to the child's home.
- 3) Unless the IEP of a child with disabilities requires some other arrangement, the child must be educated in the school which he or she would attend if not disabled.
- 4) Consideration must be given to any potentially harmful effect on the child or the quality of services which he or she needs.

- b) The proposed placement shall be consistent with the findings of the case study evaluation and the established eligibility of the child.. 23 Ill. Adm. Code 226.560

23 Ill. Adm. Code 226.125 states the definition of least restrictive environment:

Least Restrictive Environment means "to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children without disabilities, and that special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily."



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4. When considering placement in the least restrictive environment, each LEA/JA must consider the potential harmful effects on the child and on the quality of his/her services. Through its monitoring process the state will insure that this consideration is taking place in each LEA/JA.

The local education agency remains responsible for the students in its district, whether served directly, placed privately, or placed in a State School. In the event the local education agency conducts an IEP meeting at which a State School placement is discussed as an option, the LEA personnel must contact the appropriate State School to discuss the situation. When appropriate, a State School representative will be invited to participate in a subsequent IEP meeting, at which time the IEP will be developed, options discussed, and a placement decision reached.

When a residential placement for educational purposes is considered, the determination of the necessity of such a placement shall be individually made, based upon evidence that the students' needs are so profound or unique that his/her educational needs cannot be met in a less restrictive placement. Such placement shall be made when recent diagnostic assessments and other pertinent information indicate that, while the student can benefit from instructional services, he/she is so severely disabled that his/her educational needs cannot be met in a less restrictive environment.

Considerations should be given to the needs of the student which may adversely affect educational performance (social, cultural, emotional, communication, independent living, vocational, and so on). This determination should be reviewed annually and then placement made on an individual basis.

Acknowledging that P.A. 86-1310 is now enacted, school districts will be asked to complete the MDC/IEP process in all cases. If parents choose to make a direct referral to the Illinois School for the Deaf, it would be expected that district personnel would cite appropriate local placement options available and offered, but rejected by families.

**Nonacademic Setting**

The Illinois Special Education Monitoring Manual provides the procedures by which the state monitors each LEA/JA to insure that, in providing or arranging for non-academic and extracurricular services including meals, recess periods, and the services and activities, each child with disabilities participates with children who do not have disabilities to the maximum extent appropriate to the needs of the child.

**Public or Private Institutions**

The State will insure that each private institution also complies with the least restrictive environment requirements of 34 CFR 300.550. The procedures

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for insuring this are set forth in Chapter XI, Private Schools.

**Technical Assistance**

The Illinois State Board of Education provides a number of avenues for technical assistance to LEA/JA in implementing the least restrictive environment component of the law. Statewide training in developing and writing IEP addresses the issue of least restrictive environment and how to appropriately implement it. Various conferences during the year also focus on this issue. Through the SEA's monitoring efforts and through specific requests, technical assistance on the least restrictive environment is also provided to individual school districts and joint agreements as needed. Finally, through the SEA initiatives described below, technical assistance is given to schools throughout the state on educating students with disabilities in the least restrictive environment.

**Monitoring**

The Illinois Special Education Monitoring Manual sets forth the standards by which local education agencies (LEAs) and state operated programs (SOPs) are monitored for compliance with state and federal laws and regulations pertaining to least restrictive environment regulations. These standards include procedures for insuring that school districts are in compliance with the least restrictive environment requirement. The least restrictive environment is an area that is examined closely through the Illinois State Board of Education's monitoring process for compliance with IDEA. If there is evidence that a public agency makes placements that are inconsistent with 34 CFR 300.550, the State Board of Education reviews the public agency's justification for its actions and assists the agency in planning and implementing the necessary corrective action.

**State Education Agency Initiatives to Promote the Least Restrictive Environment**

The Illinois State Board of Education has instituted several initiatives to facilitate implementation of the Least Restrictive Environment component of state and federal law.

1. The Regular Education Initiative "The Regular Education Initiative (REI) seeks to promote the full participation in regular classroom settings of students with mild disabilities. REI is a concept, not a mandate, which emphasizes the correct frame of reference to assure the child's right to a free, appropriate public education as prescribed by law. It is a mindset to be used in placing children in the appropriate educational setting. This initiative seeks to do this by:
  - a. Promoting increased cooperation and collaboration between regular and special education staff;
  - b. Increasing planning and communication within schools regarding

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the needs of children with disabilities;

c. Developing effective practices for facilitating the integration of students with mild disabilities into regular educational settings;

d. Developing and implementing training for educators and administrators in techniques and methods for educating students with mild disabilities in regular education settings; and

e. Disseminating and sharing information with school districts regarding the education of students with disabilities in regular education settings.

## 2. Children Have Opportunities in Integrated Community Environments (CHOICES)

Project CHOICES is a statewide initiative to increase the integration of school-age students with moderate and severe disabilities into regular education, age-appropriate environments. This is being accomplished by providing funds to schools to develop programs in two different categories: implementation projects and systems change projects. In addition, a network of technical assistants provide on-site consultation and other support services to participating schools.

3. Early CHOICES Early CHOICES is an initiative modeled after Project CHOICES which seeks to provide models for educating children with disabilities between the ages of 3 and 5 years with their nondisabled, chronological-aged peers. Funding is awarded to schools to both plan and implement programs to develop models, options and methods of educating preschool-age children with disabilities in regular educational settings.

4. Behavior Disorder Initiatives Projects °Grants have been awarded to six local school districts to develop programs to keep students with behavior disorders/emotional disturbance in local communities with local school districts. The projects put a strong emphasis on interagency collaboration, service coordination and family involvement.

5. Revised Residential Placement Process °The process by which students are approved for placement in residential settings (Illinois State Board of Education Form 34-37) was revised in December, 1990 to require local school districts to develop reintegration plans to return the student to the local community and local school. It also emphasized local community services coordination.

6. Recommended IEP Form and Instructions  
The State-recommended MDC/IEP form and accompanying instructions

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include procedures to insure student placement in the least restrictive environment. Districts throughout the state received training in the correct MDC/IEP process and the use of this new form in January 1992.

## VIII. PROTECTION IN EVALUATION PROCEDURES

### General

20 U.S.C. 1412(5)(C) states that in order for a state to qualify for Part B assistance, it must demonstrate that it has established "procedures to assure that testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of handicapped children will be selected and administered so as not to be racially or culturally discriminatory. Such materials or procedures shall be provided and administered in the child's native language or mode of communication, unless it is clearly not feasible to do so, and no single procedure shall be the sole criterion for determining an appropriate education program for a child."

A major concern in education today is the identification of assessment procedures which offer assurance of not discriminating on the basis of race, culture, or other factors unrelated to the disability.

Each local education agency shall insure that testing and evaluation materials and procedures used for evaluation and placement of children with disabilities are selected and administered so as not to be racially or culturally discriminatory.

Each case study evaluation shall be conducted so as to assure that it is linguistically, culturally, racially, and sexually nondiscriminatory.

### Placement Evaluation

A formal evaluation must occur prior to placement. 23 Ill. Adm. Code 226.515 states:

"When a child is identified through the screening process, or exhibits problems which interfere with the child's educational progress and/or adjustment to the educational setting, or when there is reason to believe that a child may require special education services, the child shall be referred for a case study evaluation."

### Evaluation Procedures

Each local school agency shall insure that tests and other evaluation materials:

1. Are provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so;

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2. Have been validated for the specific purpose for which they are to be used and, in the case of LEP/culturally diverse students, a comparison with not only the majority peer group, but also the student's culturally similar peer group is considered;
3. Are administered by trained personnel (e.g., certified school psychologists) in conformance with the instructions provided by their producer.
4. Tests and other evaluation materials include those tailored to assess special areas of educational need and not merely a single general IQ.
5. Tests are selected and administered so as best to ensure that when a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (except where those skills are the factors which the test purports to measure).

Assessment is done in all areas of suspected disability, and no single procedure is used as the sole criterion for determining an appropriate education program. 23 Ill. Adm. Code, Section 226.540 states:

The evaluation is made by a multidisciplinary team or group of persons including at least one teacher or other specialist with knowledge in the area of suspected disability.

Psychological evaluation of a child shall be performed by a certified school psychologist who has demonstrated competencies in, and knowledge of, the language and culture of the child.

- If documented efforts to locate and secure services from such a psychologist are unsuccessful, the district may employ a qualified psychologist who has demonstrated competencies in, and knowledge of, the language and culture of the child; this person may act as a consultant to the district's certified school psychologist performing the evaluation.
- The district having exhausted all other alternatives and not securing the services of either a certified school psychologist or a qualified psychologist who has demonstrated competencies in, and knowledge of, the language and culture of the child, the certified school psychologist regularly employed by the district shall conduct assessment procedures which do not depend upon language, or utilize the services of an interpreter. Any special education placement resulting from such alternative procedures shall be reviewed at regular intervals until the child acquires a predominantly English language use pattern which will assure that a psychological

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evaluation given by a certified school psychologist will not be discriminatory or until the need for special education is substantially verified.

For the child who requires special education placement in a home or in a hospital because of a temporary physical or health impairment estimated to last six months or less, a homebound services case study evaluation shall be conducted. This evaluation shall include, but need not be limited to:

1. Evaluation for diagnostic and evaluative purposes of the physical or health impairment by a licensed medical physician,
2. Estimation by the physician of the time and child will require homebound services,
3. A review of the child's current educational status and academic needs.

For the child whose problems seem to be limited to the area of speech and/or language, a speech and language case study evaluation shall be conducted. This evaluation shall include, but need not be limited to:

1. A hearing screening completed at the time of the evaluation or within the previous six months,
2. A review of the child's medical history and current health status,
3. A review of the child's academic history and current educational functioning,
4. An assessment of the child's speech and language by a certified speech and language clinician,

5. An interview with the child.

The speech and/or language impaired child with additional suspected disabilities shall be referred for further evaluation.

For all other children referred, a comprehensive case study evaluation shall be conducted. This evaluation shall include, but need not be limited to:

1. An interview with the child,
2. Consultation with the child's parents,
3. A social development study including an assessment of the child's adaptive behavior and cultural background,
4. A report regarding the child's medical history and current health status,



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5. A vision and hearing screening completed at the time of the evaluation or within the previous six months,
6. A review of the child's academic history and current educational functioning.
7. An educational evaluation of the child's learning processes and level of educational achievement,
8. An assessment of the child's learning environment,
9. Specialized evaluations specific to the nature of the child's problems.
  - a. A psychological evaluation by a certified school psychologist (with the extent to be determined by the individual situation) shall be required in order to place any child:
    - i. In a special education placement for children with mental impairment,
    - ii. In a special education instructional program,
    - iii. In a special education placement for children with behavior disorders,
    - iv. Where there are questions about his or her intellectual functioning and/or learning capacity.
  - A psychological evaluation for all other children shall be considered optional.
- As appropriate, the psychologist may limit this evaluation to a review of the results of tests administered by other school district personnel and/or the results of externally administered evaluations, an analysis of the learning environment and learning processes, participation in the multidisciplinary conference and such other procedures as deemed necessary.
- b. An appropriate medical examination by a physician licensed to practice medicine in all of its branches shall be obtained for diagnostic and evaluative purposes for any child with a suspected physical, health, vision or hearing impairment. This examination shall be conducted at no cost to the parent. Nothing in these regulations shall be construed to require any physical examinations or medical treatment for any child whose parents or guardian object thereto on the grounds that such examinations or treatment conflict with his or her religious beliefs.

- c. A certified speech and language clinician shall administer a comprehensive evaluation for any child suspected to having a speech or language impairment. In the case of an IEP student, the speech evaluation should be conducted by a certified speech clinician who has demonstrated competencies in, and knowledge of, the language and culture of the child. If documented efforts to locate and secure services from such a speech clinician are unsuccessful, the district may employ a qualified speech clinician who has demonstrated competencies in, and knowledge of, the language and culture of the child; this person may act as consultant to the district's certified speech clinician performing the evaluation.
- d. For all children, other specialized evaluations appropriate to the nature of the child's problems shall be provided at no cost to the parents. When specialized evaluation procedures not usually provided by the local school district are required to provide a better understanding of the child's educational or educationally related problems, the local school district recommending such evaluation procedures shall be responsible for assisting the parents in locating and making use of appropriate local and/or state resources.
  - . Consideration shall be given to resources of state agencies or third-party payors.
  - . The child may not be prohibited from receiving a special education program or service because he or she is financially or otherwise unable to obtain specialized evaluation procedures.
- e. An audiological evaluation appropriate to the needs of the child shall be provided by an audiologist when necessary.
- f. If the parent disagrees with an evaluation obtained by the local school district, the district shall inform the parent of the opportunity to obtain an independent evaluation at public expense.
  - . In such cases, the local district may initiate an impartial due process hearing prior to such independent evaluation to demonstrate that the district's evaluation is appropriate.
  - . If the final decision is that the local district's evaluation is appropriate, the parent shall have the right to an independent evaluation, but not at public expense.

The child is assessed in all areas related to the suspected disability including, where appropriate, health, vision,

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hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

Placement Procedures

When a determination is made that a child with a disability needs special education and related services, an IEP will be developed according to 23 Ill. Adm. Code 226.562.

Each public agency must draw information from a variety of sources including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background and adaptive behavior. Information from all of the sources is considered in the placement decision and is documented. All placement decisions are made by a group of persons, including those knowledgeable about the child, the meaning of the evaluation data, and the placement options.

Program options must be considered and documented when rejected. The placement decision must be consistent with least restrictive environment considerations.

Recommendations for special education placement shall be based on the following:

1. The child shall be placed in the educational program which is appropriate to the student's needs and least restrictive of the interaction with nondisabled children.
2. The special education placement must be based on the child's IEP and located as close as possible to the child's home.
3. Unless a disabled child's IEP requires some other arrangement, the child must be educated in the school which he or she would attend if not disabled.
4. Consideration must be given to any potentially harmful effect on the child, on the quality of services which he or she needs, or on that which impedes the education of other students in the environment.
5. The proposed placement shall be consistent with the findings of the case study evaluation and the established eligibility of the child.

Reevaluation

Placements are reviewed periodically and recipient performed every three years or more frequently as is necessary. 23 Ill. Adm. Code 226.578 states:

In addition to initial placement conferences and/or IEP meetings, the educational status and continued special education placement of each child shall be reviewed at least annually in a conference attended by

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those professional persons working with the student, the parents, the child where appropriate, the special education director or designee who is qualified to supervise the provision of special education, and other individuals at the discretion of the parent or local district.

Additional Team Members

In evaluating a child suspected of having a specific learning disability, each public agency shall include the following on the multidisciplinary evaluation team:

1. The child's regular teacher; or
2. If the child doesn't have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age; or
3. For a child of less than school age, an individual qualified by the Illinois State Board of Education to teach a child of his or her age; and
4. At least one person qualified to conduct individual diagnostic examinations of children such as a school psychologist, speech-language pathologist, or remedial reading teacher.

Criteria for Determining the Existence of a Specific Learning Disability

A team will determine that child has a specific learning disability if:

1. The child does not achieve commensurate with his or her age and ability levels in one or more areas when provided with learning experiences appropriate for the child's age and ability levels; and
2. The team finds that a child has a severe discrepancy between achievement and intellectual ability in one or more of the following areas:

oral expression,  
listening comprehension,  
written expression,  
basic reading skill,  
reading comprehension,  
mathematics calculation, or  
mathematics reasoning.

The team may not identify a child as having a specific learning disability if the severe discrepancy between ability and achievement is the primary result of:

a visual, hearing, or motor disability;  
mental impairment;

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emotional disturbance;  
environmental, cultural or economic disadvantage.

Observation

At least one team member other than the child's regular teacher shall observe the child's academic performance in the regular classroom setting. In the case of a child of less than school age or out of school, a team member shall observe the child in an environment appropriate for a child of that age.

Written Report

A written report of the results and recommendations of the multidisciplinary staff conference shall be prepared. The conference report shall be dated and list the names of all those in attendance at the conference. A copy of the conference report, together with all documentation upon which it is based, shall be kept on file by the local school district.

The report will include a statement of:

- 1) Whether the child has a specific learning disability;
- 2) The basis for making the determination;
- 3) The relevant behavior noted during the observation of the child;
- 4) The relationship of that behavior to the child's academic functioning;
- 5) The educationally relevant medical finding, if any;
- 6) Whether there is a severe discrepancy between achievement and ability which is not correctable without special education and related services; and
- 7) The determination of the team concerning the effects of environmental, cultural, or economic disadvantage.

Each team member will certify in writing whether the report reflects his or her conclusions. If it does not reflect his or her conclusions, the team member must submit a separate statement presenting his or her conclusions.

## IX. RESPONSIBILITY OF STATE EDUCATIONAL AGENCY

Responsibility of State Education Agency for All Education Programs

Article 14-8.01 of the School Code states that "all special educational facilities, building programs, housing, and all educational programs for handicapped children shall be under the supervision of and subject to the approval of the State Board of Education." The supervision of educational

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programs operated by other state agencies is designed to ensure that all such programs meet the standards of the State Board of Education.

The School Code further requires that all state agencies operating special education classes for children with disabilities promulgate rules and regulations for the administration of such programs in consultation with the State Board of Education. The Department of Rehabilitation Services (DORS) and the Department of Mental Health and Developmental Disabilities (DMH/DD) have promulgated rules and regulations. The State Board of Education worked closely with DORS, DMH/DD, and the Joint Committee on Administrative Rules throughout the promulgating process.

Responsibility for All Educational Programs

In 1985, Illinois enacted laws which reiterate the State Board of Education's responsibility for the provision of special education services for all children with disabilities in Illinois and restates the authority of the Board to evaluate all programs administered by other state agencies. P.A. 84-0920 provides that the State Board of Education is responsible for all children with disabilities regardless of the placing agent. The State Board ensures that all programs administered by the Department of Mental Health and Developmental Disabilities, the Department of Corrections, and the Department of Rehabilitation Services and educational placements paid for by the Department of Children and Family Services meet the standards of education programs provided to all eligible children.

In conjunction with the law, the Department of Special Education, State Board of Education, has developed new monitoring procedures for programs operated by other agencies. Programs operated by other agencies in Illinois include the Illinois School for the Deaf, the Illinois School for the Visually Impaired and the Illinois Children's School and Rehabilitation Center operated by the Department of Rehabilitation Services; the Illinois Department of Corrections School District; and day residential programs approved by the State Board of Education. As of 1985-86, nearly all educational programs for school-aged children in the Department of Mental Health and Developmental Disabilities residential facilities began to be administered and operated by the public school districts in which the facilities are located. The monitoring procedures have been in place since then.

In August of 1980, the State Board of Education entered into a Memorandum of Understanding with the Department of Mental Health and Developmental Disabilities, the Bureau of the Budget, the Department of Children and Family Services, the Department of Public Health, and the Department of Rehabilitation Services and the Governor's Office (see Interagency Agreement). The Memorandum was designed to facilitate cooperation among state agencies in providing special education and related services in residential facilities.

Special education services for children in residential care facilities are addressed in 23 Ill. Adm. Code 226 Subpart O. The regulations assure "equal



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access to educational opportunity" for children living in residential care facilities. Section 14-7.03 and 18-3 of the School Code set up a reimbursement system for special education programs for children from orphanages, foster family homes, children's homes or state residential facilities. A more detailed explanation of the reimbursement system may be found in Chapter II (Full Educational Opportunity Goal) of this Plan.

All programs operated in other state agencies, under the general supervision of the State Board of Education, are subject to the annual review process applied to all special education programs in Illinois. The annual review process is described in detail in Chapter XIV of this Plan.

## X. COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT

## GENERAL

The Comprehensive System of Personnel Development (CSPD) in Illinois includes a multifaceted plan to meet both the inservice development needs of parents, service providers and the educational community and the preservice training needs of all personnel preparing for a career in special education. The Illinois State Board of Education has assumed its personnel development leadership role by providing direction, support and technical assistance to local educational agencies (LEAs), special education joint agreements (JAs), regional programs, higher education institutions (IHE) and other agencies providing services to children and youth with disabilities. Parents, special and regular education teachers, administrators, and related services personnel, as well as public and private providers participate in the development and ongoing implementation of the CSPD.

The Comprehensive System of Personnel Development Committee (CSPDC)

In order to obtain comprehensive input on statewide training needs the Department of Special Education has established the Comprehensive System of Personnel Development Committee (CSPDC). The CSPDC is composed of parents, special education/regular teachers, administrators, related services personnel, and preservice providers.

There are four regularly scheduled CSPDC meetings annually, and others are held as needed. Two of these meetings are combined meetings with the Higher Education Advisory Council (HEAC). In 1988, CSPDC adopted the following Mission Statement:

The mission of the Comprehensive System of Personnel Development Committee is to recommend those best practices in the area of human resource development that insure quality inservice and preservice training for personnel dealing with children and youth with disabilities.

In August 1992, the Illinois State Board of Education sent a team to the

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National Institute on Comprehensive System of Personnel Development Collaboration, sponsored by the Council for Exceptional Children and held in Auburn, Alabama. The CSPDC was represented by the state CSPDC chairperson and a CSPDC member. Other representatives were from HEAC, the Part H advisory committee and the State Board of Education. As a result of that institute, the Illinois team developed the Strategic Plan for CSPD in Illinois. This plan encompasses both preservice and inservice, resulting in a broad view of personnel development from the time an individual enters teacher preparation as a college freshman to the time he or she retires from the profession. The plan will be revised annually and will carry Illinois into the 21st Century. The mission of the CSPDC has been expanded to incorporate the Strategic Plan.

The Higher Education Advisory Council (HEAC)

The Higher Education Advisory Committee (HEAC), which is composed of chairpersons from the departments of special education in all public and private colleges/universities, provides input to the Department of Special Education regarding the coordination of preservice and inservice training. Currently, 22 Illinois institutions of higher education which offer course sequences leading to approval and certification in special education are represented on the HEAC. This committee develops recommendations pertaining to special education teacher preparation training programs and programmatic preservice requirements, coordinates research efforts and activities in response to state needs, and makes suggestions regarding the competencies needed by educational personnel involved in the education of students with disabilities.

During the 1993-95 time period, HEAC will be working on goals specified in the Strategic Plan. The CSPDC committee and HEAC met in September 1992 to review the Strategic Plan and target their individual goals for the year. In May 1993 the two groups will meet again to report on the accomplished goals of each and to target additional goals for 1993-94 and beyond. An unusual component of these meetings is that HEAC representatives are asked to bring a colleague from their college or university who is not in the Special Education Department (i.e., someone from the Curriculum, Elementary or Secondary Department). This kind of working relationship has encouraged the leadership to promote a collaborative community that includes the child and family, celebrates diversity, develops life-long learners, and encourages productive citizens in a global society.

The State Advisory Council on the Education of Handicapped Children (SAC)

The State Advisory Council on the Education of Handicapped Children (SAC), mandated in Section 14-3.01 of the School Code, serves as an advisory group to the CSPDC, the Illinois State Board of Education and others providing services to students with disabilities. The Council provides advice through several different mechanisms including reviewing the State Plan and amendments, commenting on any proposed changes or additions to the state's utilization of its federal discretionary funds and making recommendations for personnel and

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program development activities as a result of special studies, e.g., a review of service needs for students with traumatic brain injury during 1991-92.

Special Education Leadership Academy

The Special Education Leadership Academy (SELA) provides professional development programs and activities to special education administrators, supervisors and other leaders. A committee composed of special education administrators, elected regionally by their peers, completes a needs assessment each year and approves regionally developed training programs for special education administrators designed to meet the training needs in each region. The SELA Steering Committee meets monthly to assure the implementation, continuity and coordination of these training programs.

An Ad Hoc Committee was established in September 1988 to develop policy related to the personnel components of Part H. A second Personnel Ad Hoc Committee began a year later the work of developing a statewide personnel system. Two broad approaches were selected for addressing this task, both utilizing extensive participation by interested individuals:

- . to gather information related to current personnel needs and training capabilities in Illinois and
- . to develop recommendations that would define staffing patterns and personnel qualifications for early intervention services.

Three statewide surveys were implemented to gather baseline information related to personnel issues. In addition, a Personnel Standards and Practices Task Force met over the course of several months to develop specific recommendations. A comprehensive set of goals and objectives form the framework for personnel development for Part H. These are designed to ensure that services to eligible children and their families are delivered by teams of personnel qualified to support and address their unique characteristics and needs. The system builds on the expertise of experienced personnel currently employed in early intervention settings, as well as the current personnel training efforts at the preservice and inservice levels, e.g., Illinois Technical Assistance Project (ITAP). It also provides for recruitment of new personnel into early intervention services. It can be seen that these recommendations form the basis of the CSPD for Part H and include goals and objectives related to personnel standards, recruitment, and retention, and activities designed to assist current and future personnel in meeting standards for early intervention services.

The linkages with and coordination of the CSPDC, SAC, and HEAC; Part D Grants; LEA personnel development activities and Part H activities are through the CSPDC structure. Cooperative planning with these groups helps to insure the development and implementation of a comprehensive system of personnel development for all personnel dealing with children and youth with disabilities.

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The CSPD is used to ensure the efficient and effective preparation, recruitment and retention of special education personnel who meet the highest standard of professional requirements in Illinois. The "highest standard" requirement is met in two ways. First, all special education personnel in Illinois generate state categorical funding under Section 14-13.01 of the School Code. A school district must be in compliance with all personnel regulations, certification requirements and fiscal procedures in order to receive this funding. Second, the certification status of all school personnel is verified by the Illinois State Board of Education's ongoing program of school recognition. All of the certificates or approvals issued by the Illinois State Board of Education are the highest requirement for individuals providing special education or related services to students aged three through twenty-one, i.e., there are no other licenses, registrations or approvals that qualify an individual to work for the schools other than the certificates and approvals issued by the Illinois State Board of Education.

ADEQUATE SUPPLY OF QUALIFIED PERSONNEL

The Illinois CSPD is responsible for ensuring an adequate number of trained special education and related services personnel, including leadership personnel. The major method for accomplishing this is through implementation of the Strategic Plan. The plan is designed to coordinate and facilitate efforts among state and local education agencies, institutions of higher education, and professional associations to recruit, prepare, and retain qualified personnel, including personnel from minority backgrounds and personnel with disabilities. As stated earlier, the Plan was developed with input from special and regular educators, administrators, university personnel and parents and includes the following components:

1. Marketing and Recruitment,
2. Training and Certification,
3. Professional Support and Enhancement.

These components are described below.

Marketing and Recruitment

A work group of the CSPDC each year analyzes data including the annual report Illinois Teacher Supply and Demand and determines the amount and type of special education staff needed. Specific activities are then developed by that work group combined with a work group from HEAC and other interested individuals to meet those identified needs. SEA staff, as well as staff from universities; school districts; and other organizations, businesses, and agencies, are utilized to implement marketing and recruitment activities, depending upon the identified needs.

Training and Certification

A training and certification work group each year examines state certification

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requirements and procedures to determine if they are adequately addressing the needs within the state. If changes need to be made in either requirements or procedures, those recommendations are made to Department of Special Education staff, who in turn work with staff from the Department of Certification to develop new certificates or endorsements on existing certificates. The work group, composed of special and regular education teachers, administrators, and staff from institutions of higher education, also examines data regarding training programs within the state to determine if they are producing enough qualified special education personnel. If necessary, additional training programs are developed and implemented to meet specific needs (e.g., minority teachers, speech/language, occupational therapy). This will include training programs for new teachers as well as retraining programs to assist existing teachers, regular education and special education, in obtaining certification in other areas of special education.

PERSONNEL PREPARATION AND CONTINUING EDUCATION

The overall system for providing continuing education to regular and special education and related services personnel is coordinated through the CSPDC and is based upon the Strategic Plan and statewide data collection process. The Professional Development and Enhancement work group of the CSPDC is developing a training plan which will:

1. Identify areas in which training is needed,
2. Specify groups of personnel requiring training,
3. Describe the nature and content of all training activities,
4. Describe how the training will be provided in terms of format and geography.

Professional Development and Enhancement

Since 1989, the Illinois State Board of Education has been promoting the Regular Education Initiative (REI) to develop and enhance the coordination, collaboration and skill building of special and regular education teachers and administrators. Activities have included holding annual initiative conferences; identifying innovative programs where teachers are collaborating and improve educational services to meet the needs of all learners in the classroom; and establishing an organized, structured system of personnel development. That system (the REI Training) was piloted in four Educational Services Centers (ESCs) in 1991-92 at the Level I stage. In 1992-93 the system expanded to sixteen ESCs at the Level I stage, and three of the ESCs further expanded to the Level II stage.

Evaluation data have shown that this system of personnel development is extremely successful because it (1) requires attendance by building teams (i.e., representatives of special and regular education teachers and

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administrators and ancillary personnel); (2) uses practitioners as the presenters; and (3) requires a commitment from participants that they design, development and implement their own model of improvement. The topics for the training are selected by the regional (ESC) committees from a "menu" provided by the State Board of Education. In this system there is continuity of training statewide, but it is also regionally designed and implemented.

Additional and complementary activities to the training described above are:

1. State-of-the-Art Replication
  - a. Pilot Projects
  - b. Discretionary Grants
  - c. Assistive Technology Project
  - d. Adoption of Promising Practices
2. Targeted Training Issues
  - a. Regular Education Initiative (additional projects)
  - b. Least Restrictive Environment
  - c. Transition Services
  - d. The Individualized Education Plan
3. State-Sponsored Training
  - a. Roundtables
  - b. Chicago Principals' Training
  - c. Directors' Conference
  - d. Statewide and Regional Initiatives Conference
4. Responding to Federal Initiatives
  - a. RFPs
  - b. Grant Writing
  - c. Special Projects
  - d. Letters of Support
  - e. Clearinghouse
5. Dissemination of Information
  - a. SpecialNet
  - b. SpecialLaw
  - c. Counterpoint
  - d. Data Notes
  - e. Memorandums to LEAs
  - f. Forum (quarterly newsletter)
  - g. The Initiator (widely disseminated newsletter updating all educators on REI activities)



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Funds to support the activities of the above plan come from a variety of sources, including:

1. IDEA Part B funds -- Each local education agency is required to set aside 5% of its IDEA Part B funds to implement CSPD activities. In addition, the State Board of Education uses part of its Part B funds to provide statewide, regional, or targeted CSPD activities.
2. IDEA Part D funds.
3. Federal Preschool funds.
4. Local education agency funds.

During the three years covered by this State Plan, the four work groups will be directed to give special attention to the needs of personnel from minority backgrounds and personnel with disabilities. That is, they will be asked to specifically recommend activities that will support and enhance the recruitment, preparation and retention of individuals from minority backgrounds and individuals with disabilities.

Procedures for Acquiring and Disseminating Knowledge to Teachers (Regular and Special Education), Administrators, and Related Services Personnel

The Illinois State Board of Education uses a number of avenues for information dissemination derived from education research and other sources which include:

1. An annual conference for directors and supervisors of special education;
2. An annual statewide conference on current trends and practices in special education for all school personnel;
3. Regional conferences throughout the state each year on such issues as transition and the Regular Education Initiative;
4. A statewide training program on writing effective IEPs;
5. Presentations at regional and state meetings of various special education, administrator, and related services personnel associations;
6. The Forum newsletter, published quarterly by the State Board of Education, Department of Special Education;
7. The Initiator newsletter, a new publication by the REI Clearinghouse, which will go to every school building in the state, informing educators of current REI training activities statewide, new research and activities occurring in other states.

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8. Regular informational bulletins on SpecialNet;
  9. Periodic memorandum to special education administrators, superintendents and colleges/universities.
- Information disseminated through these avenues focus on:
1. Experimental and innovative personnel development programs;
  2. New federal/state laws, regulations, policies on personnel development;
  3. Development and modification of instructional materials; and
  4. Significant information derived from educational research and demonstration projects.

Procedures for Adopting Promising Practices, Materials, and Technology

The Comprehensive System of Personnel Development Committee combined with the Higher Education Advisory Council meets twice annually to review promising practices, materials and technology derived from data collection and research results and to make recommendations to the State Board of Education regarding those that should be adopted. The groups meet at least twice separately to work on the identified goals from the Strategic Plan and discuss other issues specifically related to preservice or inservice training. The recommendations will include the most appropriate methods for adopting and disseminating those practices, materials or technology.

Data System on Personnel and Personnel Development

The CSPDC implements various data collection and assessment activities to ensure the state has an adequate supply of qualified special education and related services personnel. This information is also used to address current and projected special education and related services personnel needs. Data and assessment information are collected from:

State certification records,  
Teacher service records,  
Records and data maintained by colleges and universities,  
Surveys of school administrators conducted by State Board of Education staff,  
Needs assessments of regular education and special education staff (required as a part of the IDEA flow through annual grant application),  
Needs assessments completed by the Special Education Leadership Academy,  
Information obtained from the SEA FACTS program (computerized special education child count and trading information management system),  
Survey information from colleges and universities.

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These sources of data yield information on:

1. The number and type of personnel, including leadership personnel, employed in the provision of special education and related services by profession and discipline;
2. The number and type of personnel who are employed with emergency, temporary or provisional certification;
3. The number and type of personnel needed in each profession and discipline and a projection of the number needed in five years;
4. The number of students enrolled in programs in institutions of higher education; and
5. The number of students who have graduated with qualifications for certification or licensure from institutions of higher education within the past year.

These data are collected and analyzed and a report provided to the state CSPD committee, as well as to other groups involved in addressing special education personnel needs in the state. This report State Illinois Teacher Supply and Demand is compiled annually by the Department of Research and Planning.

Of particular interest in Illinois is the relationship of the comprehensive system of personnel development to the unique needs of the bilingual special education programs and personnel. To meet these needs, several activities have been funded by the Illinois State Board of Education. These activities are:

1. parent education in collaboration with community agencies and schools;
2. sign language classes in Spanish utilizing ASL;
3. publication and distribution of Recommended Practices in the Identification, Assessment and Provision of Special Education for Culturally and Linguistically Diverse Students;
4. training workshops to implement the recommended practices in the manual;
5. the establishment of sites to demonstrate the instructional models cited in the manual for recommended practices; and
6. the establishment of an Ad Hoc committee to study the trends and needs of the bilingual/multicultural school-age population resulting in a new Three-Year Plan.

Considering the significant legislation passed in the last legislative session,

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the activities and delivery of services to limited-English-proficient students will continue to be prominent. The ongoing agenda for this population focuses on recruitment, training, certification standards, identification and census. The general activities of the CSPD will be used to address these and the other issues specific to the bilingual special education programs, services and personnel.

## XI. PRIVATE SCHOOLS

**Responsibility of State Education Agency**

The School Code and the Illinois Administrative Code allow for public school placements into private schools which meet the current requirements for such placements. 23 Ill. Adm. Code 226, Subpart I specifies the need for notice, consent, a case study evaluation, multidisciplinary conference and IEP development. Sections 14-7.02 and 14-8.01 of the School Code, as well as 23 Ill. Adm. Code 226, include provisions that special education and related services must be provided at no cost to the parents. Additionally, 23 Ill. Adm. Code 226.430 Subpart H of the regulations stipulates that "the facility does not charge parents any fee for special education, related services or room and board for any placement made under....".

23 Ill. Adm. Code 226.430 requires that: 1) private facilities be licensed by either the State or an appropriate agency of the state in which the facility is located; and 2) the facility be registered with and meet standards set by the state educational agency. The standards for private facilities serving special education students are found in 23 Ill. Adm. Code 401.10(d). Children with disabilities who are placed in private facilities have the same rights and access to procedural safeguards as any children enrolled in the public schools.

**Implementation by State Agency**

23 Ill. Adm. Code 401.20(a) and 401.70 (a) (b) and (c) discuss compliance monitoring of private facilities. A copy of the regulations is provided to each facility at the time of its initial application as well as on-site monitoring visitation every five years. Monitoring may occur sooner if a complaint is filed. IEPs are reviewed at the time of the on-site monitoring visit. The ISBE will involve representatives of private facilities in any efforts to revise the state regulations or standards which apply to them.

**Placement of Children by Parents**

Section 10-20.24 of the School Code requires school districts to accept in part-time attendance eligible special education students who are enrolled in nonpublic schools. Section 14-6.01 further states, in part: "Such school boards shall accept in part-time attendance handicapped children...who are enrolled in nonpublic schools....Special educational services shall be provided to such students as soon as possible after the identification, evaluation and

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placement procedures...but no later than the beginning of the next school semester following the completion of such procedures...." All procedural safeguards afforded to pupils enrolled in the public schools also are available to these students.

State Educational Agency Responsibility

Approximately 320,000 children are enrolled in parochial and other nonpublic schools in Illinois each year, not including those schools whose primary purpose is to provide special education services to children with disabilities. Of the children enrolled in nonpublic schools who are referred to public schools for special education services, the majority are mildly disabled. As of the 1990-91 school year, 2,706 special education students were reported as being dually enrolled in public and nonpublic schools.

Enrollment of Students

The supplemental instructions and procedures used for local education agency IDEA application for Part B and Preschool Flow-Through Grants (ISBE Forms 34-39 (2/91) and 37-06 (2/91)) require the submission of the following information to assure compliance with this section of the State Plan.

Federal regulations under 34 CFR Part 76 (EDGAR ) State-Administered Programs require that a State and its subgrantees provide for participation by students enrolled in private schools. These regulations require that the state

1. provide students enrolled in private schools with a genuine opportunity for equitable participation,
2. provide that opportunity to participate in a manner that is consistent with the number of eligible private school students and their needs and,
3. maintain continuing administrative direction and control over funds and property that benefit students enrolled in private schools.

Consultation with Representatives of Private School Students

Grant recipients are instructed to familiarize themselves with the rules which they must follow for meeting requirements for the participation of students enrolled in private parochial schools found in CFR 76.652 through 76.662. All grant recipients are required to consult with appropriate representatives of students enrolled in private schools before the grant recipient makes any decision that affects the opportunities of those students to participate in the project. The grant recipients shall give the appropriate representatives a genuine opportunity to express their views regarding each matter subject to the consultation requirements in this section.

Benefits for private school students - The program benefits that a grant

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recipient provides for students enrolled in private schools must be comparable in quality, scope, and opportunity for participation to the program benefits that they provide for students enrolled in public schools. If a grant recipient uses funds under a program for public school students in a particular attendance area, or grade or age level, they shall ensure equitable opportunities for participation by students enrolled in private school who have the same needs as the public school students to be served and are in that group, attendance area, or age or grade level. If the needs of students enrolled in private schools are different from the needs of students enrolled in public schools, they shall provide program benefits for the private school students that are different from the benefits they provide for the public school students.

Level of expenditure - (a) Subject to paragraph (b) of this section, a grant recipient shall spend the same average amount of program funds on a student enrolled in a private school who receives benefits under the program and a student enrolled in a public school who receives benefits under the program. (b) The grant recipient shall spend a different average amount on program benefits for students enrolled in private schools if the average cost of meeting the needs of those students is different from the average cost of meeting the needs of students enrolled in public schools.

Funds not to benefit a private school - A grant recipient may not use program funds to finance the existing level of instruction in a private school or to otherwise benefit the private school. The grant recipient shall use program funds to meet the specific needs of students enrolled in private schools, rather than the needs of a private school or the general needs of the students enrolled in a private school.

Use of public school personnel - A grant recipient may use program funds to make public personnel available in other than public facilities to the extent necessary to provide equitable program benefits designed for students enrolled in a private school and if those benefits are not normally provided by the private school.

Use of private school personnel - A grant recipient may use program funds to pay for the services of an employee of a private school if the employee performs the services under public supervision and control.

They are further required to provide a narrative description of their efforts as set forth in the Grant Instructions as follows:

Describe how you have consulted appropriate representatives of students enrolled in private schools during all phases of the development and design of the Part B application including consideration of:

1. Which children will receive benefits under the project,
2. How the children's needs will be identified,
3. What benefits will be provided,



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4. How the benefits will be provided; and
5. How the project will be evaluated.

Include the following information in the narrative description:

1. A description of how you will meet the federal requirements for participation of students enrolled in private schools;
2. The number of students enrolled in private schools who have been identified as eligible to benefit under the program;
3. The number of students enrolled in private schools who will receive benefits under the program;
4. The basis the applicant used to select the students;
5. The places and times that the students will receive benefits under the program;
6. The differences, if any, between the program benefits the applicant will provide to public and private school students and the reasons for the differences.

These instructions also contain the following stipulations relevant to services to dually enrolled pupils:

1. IDEA Part B funds may not be used for:
  - a. religious workshops or instruction (federal regulations specify that funds and property may be used to benefit children with disabilities in private schools, but only for special education and related services.);
  - b. salaries of nonpublic school personnel, unless services performed are other than those delivered in nonpublic facilities and at times other than those contracted by the nonpublic entity.
2. Equipment acquired with federal funds may, in certain cases, be placed on private school premises for the period of time needed, but the title to and administrative control over such equipment must be retained and exercised by a public agency.

In exercising that administrative control, the public agency shall make assurances that the equipment is being used solely for the purposes of the grant.

The above information is required to be submitted to the State Board of Education annually as a part of the local education agency's federal special education grant application submission. Information is reviewed for compliance prior to approval of the application and is also reviewed at the time of grant monitoring visits conducted by agency staff.

#### Local Educational Agency Responsibility

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Section 10-20.24 of the School Code states as follows: "To accept, pursuant to the provisions of Section 14-6.01, in part-time attendance resident pupils who are enrolled in nonpublic schools." School districts have the responsibility to enroll students in need of special education services.

## XII. RECOVERY OF FUNDS

#### State Policy for Recovery of Funds for Misclassified Children

The Illinois State Board of Education shall make every effort to assure that all IDEA Part B funds are spent in accordance with the state mandate for services for children with disabilities between the ages of 3 and 21. To that end, the Illinois State Board of Education will seek to recover funds for services to any child determined to be erroneously classified.

#### Audit of Local and Other Participating Agencies

All expenditures of federal funds must be audited either by the state or by appropriate auditors at the local level. Local audits of expenditures claimed may be incorporated as a part of the usual local audit required on an annual basis. The audit may be performed by the independent accountant who usually conducts the local audits, by a representative of the State Auditor's office, or by a staff member of the Illinois State Board of Education. In any case, the local audit requires a qualified fiscal officer or accountant to audit all expenditures of federal funds, which must be isolated in separate accounts so that audits under this program may be identified as such in relation to the overall expenditures of school funds. A local audit report which will assure the proper use of federal funds is necessary. Auditing standards include:

1. A means of informing auditors of the program requirements sufficient to permit certification that local expenditures are eligible for federal financial participation.
2. A reconciliation of the local expenditures shown in the audit report with records of the state agency.
3. Assurance that audit exceptions are brought to the attention of the state official responsible for this program and that appropriate adjustments are made.

Basic fiscal documents required for an accurate and expeditious audit of local accounts may be retained at places other than those where official local accounts are maintained as long as those places are clearly identified. Local audits also include a review of the documentation upon which federal allocations are based, i.e., child count. Activities conducted by the auditor include a review of the child count information on selected students sent to the state by the grant recipient, verification that the students have an IEA and verification that the IEP was in place for the student and being fully implemented.

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Procedures to Recover Misused Funds

The Illinois State Board of Education has a very thorough system for ensuring the accuracy of its child count due to the use of this count for both state and federal funding allocations. The counts are reviewed at least three times during the year to ensure the accuracy of the information submitted. After each review, computer coded error messages and duplicate list are sent back to the submitting local districts for correction. No student is included in the final count under IDEA, Part B or Chapter I, 89-313 unless all errors have been rectified. In addition, The Illinois State Board of Education will routinely, through the SPA compliance review process, visit school districts for the purpose of verifying their child counts. Districts will be required to produce the Individualized Education Programs for the children counted on their special education funding and Child Tracking System (FACTS) (ISBE Form 34-30). If any discrepancies are discovered, a complete child count audit will occur. The procedures for a child count audit are included in the Illinois Special Education Monitoring Manual. In addition to audits resulting from compliance reviews, child count audits may be triggered by a grant implementation visit, repeated errors in child count data submission or other local agency actions that raise questions regarding the accuracy of their child count.

Upon completion of the child count audit, a report of the findings will be prepared and sent to the school district. The report will include a description of the corrective actions the school district will have to take to correct the current discrepancies and to prevent future errors. The school district will be required to repay all the money generated by children identified as being erroneously classified. This will occur either through repayment or withholding of future payment until the error has been rectified.

## XIII. NOTICE AND OPPORTUNITY FOR HEARING ON LEA APPLICATION

Procedures for Affording LEAs Opportunity for Hearing

In the event of a denial of an application for IDEA Part B funds or other denial based on noncompliance, the applicant may appeal the decision through formal representation to the Illinois State Board of Education, Department of Special Education, Federal Funds Application for Education of the Handicapped Appeals Committee. The composition of this committee will include three administrators from the Illinois State Board of Education, other than from the Department of Special Education, who will make recommendations to the State Superintendent of Education for a final decision. No final action will be taken on the denial of funds until the applicant has been given notice and opportunity to appeal.

Disapproval of an Application - Opportunity for a Hearing

Appeal procedures include the following:

1. The applicant must file a formal affidavit with the Illinois State

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Board of Education setting forth grounds with specifications for the complaint.

2. Any appeal must originate with the authorized representative of the responsible agency and shall be filed within thirty (30) days of the receipt of a notice of disapproval or withholding of funds.
3. Notice of hearing - The Assistant Superintendent for the Department of Special Education will send written notice within fifteen (15) days to the authorized representative acknowledging receipt of the complaint and setting forth the time and place of the hearing, which time shall be no later than thirty (30) days after receipt of complaint.
4. The applicant will be given ample opportunity to present evidence and argument to the Appeals Committee. The agency will have the same opportunity to present evidence and arguments in support of the decision. The Appeals Committee will then reach a decision as to its recommendation to the State Superintendent of Education within five days after the hearing. Within five days thereafter, the State Superintendent of Education will send a copy of his decision to the agency, to the Assistant Superintendent for the Department of Special Education and to the representatives of the responsible agency.
5. If it is the State Superintendent's determination that the proposed action is contrary to state or federal statutes or regulations that govern the applicable program, the action shall be rescinded.
6. If it is the State Superintendent's decision not to rescind the proposed action, the applicant may appeal to the United States Secretary of Education.
7. The applicant must file a notice of the appeal with the Secretary within twenty (20) days after the applicant has been notified of the final decision by the State Superintendent.
8. If the Secretary determines that the action of the Illinois State Board of Education was contrary to Federal statutes or regulations that govern the applicable program, the Secretary will issue an order that requires the State Board to take appropriate action.  
(Authority 20 U.S.C. 1221c - 3(a) (1); 1231b - 2, 2831 (a))  
Regulations: ED GAR Part 76 State-Administered Programs 76:401  
Disapproval of an application -- opportunity for a hearing.
9. Upon written request, the Illinois State Board of Education will make available all records pertaining to any appeal initiated under these procedures, including records of the entity appealing or the records of other applicants.

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## XIV. ANNUAL EVALUATION

Annual Evaluation

20 U.S.C 1413 (a) (11) and 1417 require the Plan for fiscal years 1993-95 to provide the procedures for annually evaluating the effectiveness of programs in meeting the educational needs of children and youth with disabilities. Currently, the Illinois State Board of Education utilizes several administrative directives to ensure compliance with these evaluation requirements.

Evaluations of local education agency-provided special education programs and services are based on the following elements:

1. A Special Education Services Comprehensive Plan. This plan must describe the district's provision of special education services, its implementation plan, and those factors unique to the individual district or cooperative which must be considered in the evaluation. This plan shall be filed with the State Board of Education and revised at least triennially.
2. The district/joint agreement designated to provide special education services must develop and implement procedures which assess the extent to which children and youth with disabilities are being adequately served and the effectiveness of each special education program. Memorandum 91-73M provides districts/joint agreements with assistance and direction in conducting the required evaluations and submitting the results annually to the State Board of Education.
3. Records must be maintained to demonstrate compliance with assurances agreed to in the applications for state and federal funds. These records are monitored by the staff of the State Board of Education, Department of Special Education.

In addition, the Illinois State Board of Education has specialized units dealing with program evaluation and research on a variety of levels. The Evaluation Unit of the Department of Planning, Research and Evaluation and staff of the Department of Special Education use data collected from a variety of sources. These units also engage in both short-term evaluations focusing on specific issues and annual evaluations and research of a more general nature. The Department of Special Education annually publishes and distributes statewide copies of Data Imprints which assist local educators in evaluating data each district collects.

## XV. DESCRIPTION OF USE OF PART B FUNDS

Policies and Procedures for Use of Part B Funds

IDEA Part B is administered through the Department of Special Education. The

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department is charged with the administration of all educational programs dealing with students with disabilities from birth through age 21. This includes the basic state-supported programs for children with disabilities, supported by state general funds.

The department is charged with the responsibility for approving and processing all applications, requests for proposals and grants for payment; monitoring these; and developing and implementing state plans and programs. It is also responsible for monitoring special education and pupil personnel services; developing legislation and regulations; disseminating information and services regarding special education and pupil personnel services; and maintaining programmatic leadership in special education and pupil personnel services.

Description of Use of Part B Funds

The following is a list of SEA positions funded by IDEA Part B monies and the responsibilities, functions and activities within the Department of Special Education.

Departmental Responsibilities

The principal functions of the Department of Special Education for FY 93, FY 94, and FY 95 include:

1. Administration of state special education categorical programs including the process for approving applications for private facility placements and room and board reimbursement, procedures for special education transportation approvals, reimbursement approvals for eligible pupils and special transportation, and technical assistance for all special education personnel reimbursements.
2. Administration of state special education contractual programs. This function primarily involves the supervision of the development and processing of contracts for special education services provided by the Philip J. Rock School and Service Center and Instructional Materials Center for the Visually Impaired.
3. Administration of special education grants. In addition to the evaluation and approval of grant applications and supervision and monitoring of certain grants to ensure compliance with federal administrative requirements, this function includes the compilation and submission of child count and personnel data to the U.S. Department of Education's Office of Special Education Programs (OSEP), and preparation and submission of state plans to OSEP to demonstrate Illinois' compliance with applicable federal laws and regulations governing special education.
4. Monitoring of special education programs for compliance with state and federal regulations.



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5. Administration of special education and pupil personnel services approval processes including the evaluation and approval of state-approved directors of special education applications and school nurse, school social worker, and school psychologist internships.
6. Administration of special education systems which insure procedural safeguards. This function includes operation of the surrogate parent program, complaint investigations, managing the statewide special education mediation and conflict resolution system, and administering the Level I and II Due Process hearings.
7. Development and implementation of regulations governing special education and pupil personnel services.
8. Coordination of or participation on mandated and departmental-sponsored advisory councils. Included among these advisory groups are the DataTech Task Force, Higher Education Advisory Council, Comprehensive System of Personnel Development Committee, Illinois State Advisory Council on the Education of Handicapped Children, Governor's Purchased Care Review Board, Pupil Personnel Services Advisory Board, Illinois Deaf-Blind Advisory Board, State Interagency Council on Early Intervention, Community and Residential Services Authority, Hearing Impaired and Behavior Disordered Board.
9. Development of recommendations for legislation affecting special education and pupil personnel services. This function includes the collection and submission of data for legislative fiscal notes and analyses.

10. Provision of special education and pupil personnel services program leadership. Included in this function are a broad and comprehensive array of planning, educational and information-sharing activities.

11. Implementation of internal agency procedures, activities and requirements.

12. Development and implementation of a staff development program which stresses competency-focused training for each staff role and provides opportunity for staff growth and renewal.

The activities performed under the above functions include:

1. Managing the programmatic internal review process and cooperating with legal and fiscal in the financial/programmatic management of contracts and grants.
2. Developing state plans, proposals, and when appropriate, RFPs, through the convening of specialty area task forces for conceptualizing and

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- writing activities.
3. Cooperating with Research and Evaluation in the evaluation of all contracts and grants and in the preparation of federal reports as well as internal reports.
4. Managing the contracts for the operation of the depository of adapted materials for the visually impaired and the Illinois Deaf-Blind School and Service Center.
5. Providing technical assistance to the field as required to manage the grants and contracts and the processing of applications.
6. Insuring that school districts adhere to rules and regulations through application processes for Orphanage Act group programs; special transportation; program deviations; summer school; special educational personnel; private residential placement; individual pupil funding; and psychology, social worker and nurse internship site and supervisory approval.
7. Supporting advisory boards, either created by mandate or administrative choice.
8. Implementing required child counts for IDEA Part B, P.L. 89-313, deaf-blind, and legally blind.
9. Coordinating the preparation of planning documents, proposals and statistical reports as needed for planning, legislative information and evaluative purposes for special educational and pupil personnel services.

**List of Administrative Positions and Position Descriptions Paid in Whole or Part with Part B Funds FY 93, FY 94, FY 95**

- 4.5 (FTE) Managers/Supervisors: (100% Part B). Major functions are to manage the operation of the sections and units, facilitate policy development, and have ultimate responsibility for all activities.

- 35 (FTE) Special Education Specialists: (100% Part B). Major responsibilities are to initiate, develop and implement the activities and functions of the department including monitoring, program development, and grant approval.

- 6 (FTE) Clerks: (100% Part B). Major functions are to log, track, maintain and retrieve records and files for designated activities (personnel, grants and contracts, private residential placements).

- 8 (FTE) Operations Staff: (100% Part B). Major functions are to do routine typing, establish and maintain files, answer phone calls, relay messages, assist callers.

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Other departments within the agency have staff members who work with the implementation of IDEA Part B. Those departments are School Recognition and Supervision, Administrative Services, School Finance, School Improvement Services, Legal, Planning, Research and Evaluation, Rural Education, Teacher Education and Certification and Internal Audit. Their support of specific program endeavors assists the Department of Special Education.

Generic to the agency are the following positions funded 100% with Part B funds:

2.50 (FTE) Education Specialist (assigned to Administrative Services). Major function: Manage and review IDEA Part B fiscal records, grants and other financial needs in reimbursement of claims.

1.25 (FTE) Account Technician I (assigned to Administrative Services). Major function: Perform general accounting duties in maintaining established accounting books and records, prepare reports, maintain data relative to IDEA Part B.

2.50 (FTE) Staff Auditors (assigned to School Finance). Major function: Review independent audits on IDEA Part B projects.

2 (FTE) Account Technician I (assigned to Administrative Services). Major function: Perform general accounting duties in maintaining books and records, prepare reports and process vouchers.

3 (FTE) Operations 1 (assigned to Administrative Services). Major function: Type correspondence, reports, guidelines, and other material generated by the staff of the Department of Special Education.

3 (FTE) Assistant Legal Advisor (assigned to Legal). Major function: Receive, prepare, and provide all legal assistance and reports on due process appeals, administrative orders and legal opinions as related to special education concerns.

1 (FTE) Information System Specialist (assigned to Administrative Services). Major function: Facilitate the collection and analysis of data to meet Department of Special Education needs. Develop procedures and specifications for internal and external programs for the receipt of FACTS information, reimbursement files, approval process data.

2 (FTE) Research Scientists II (assigned to Planning, Research and Evaluation). Major function: collect, analyze, synthesize information for the purpose of the review and/or development of reports related to special education studies.

1 (FTE) Account Clerk II (assigned to Administrative Services). Major function: Perform general accounting duties in processing payroll accounts, records, and prepare reports.

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2.50 (FTE) Education Specialist II (assigned to School Recognition and Supervision). Major function: Perform special education monitoring activities which include on-site visits, report writing, administrative reviews and follow-up.

2 (FTE) Program Analyst (assigned to Administrative Services). Collect, analyze and program for computer information needs of the Department of Special Education.

.25 (FTE) Graphic Art Specialist (assigned to Administrative Services). Major function: develop artwork for department publications and conferences.

1 (FTE) Educational Consultant (assigned to Rural Education). Major function: to provide program recommendations and technical assistance in the provision of special education services in rural areas.

2 (FTE) Educational Consultant (assigned to Teacher Education and Certification) Major functions: perform certification and approval for special education related school personnel.

Illinois State Advisory Council on the Education of Handicapped Children

The State Advisory Council on the Education of Handicapped Children is discussed in Section 14-3.01 of the School Code. Its membership and activities are delineated therein. The activities of the State Advisory Council for FY 93, FY 94, and FY 95 will be as follows:

"The State Board of Education shall seek the advice of the Advisory Council regarding all rules or regulations related to the education of handicapped children to be promulgated by it. The Board shall seek the advice of the Advisory Council on modifications or additions to comprehensive plans submitted under Section 14-4.01. Additionally, the Advisory Council shall: (a) advise the General Assembly, the Governor and the State Board on the unmet needs in the education of children with disabilities, (b) assist the State Board of Education in developing and reporting data and evaluations which may assist the United States Commissioner of Education in the performance of his responsibilities under current title of federal law added-the Individuals with Disabilities Education Act, Part B, (c) advise the State Board of Education relative to qualifications for hearing officers and the rules and procedures for hearings conducted under Section 14-8.02 of this Act, and (d) comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities and the procedures for distribution of funds under this Act."

Local Education Agency Allocation

For FY 93, seventy-eight and five tenths (78.5) percent of all Part B funds

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will flow through to local education agencies. Ninety (90) special education flow-through grants will be disbursed to twenty-one (21) single districts and sixty-nine (69) joint agreements. Of those sixty-nine (69) joint agreements, an average of fourteen (14) districts will be funded within each consolidated application. In some areas throughout the State, three and five tenths (3.5) percent of the Part B funds will flow through a consolidated application directly to a designated regional entity for low incidence services.

For FY 94, seventy-eight and five tenths (78.5) percent of all Part B funds will flow through to local education agencies. Ninety (90) special education flow-through grants will be disbursed to twenty-one (21) single districts and sixty-nine (69) joint agreements. Of those sixty-nine (69) joint agreements, an average of fourteen (14) districts will be funded within each consolidated application. In some areas throughout the State, three and five tenths (3.5) percent of the of Part B funds will flow through a consolidated application directly to a designated regional entity for low incidence services.

For FY 95, seventy-eight and five tenths (78.5) percent of all Part B funds will flow through to local education agencies. Ninety (90) special education flow-through grants will be disbursed to twenty-one (21) single districts and sixty-nine (69) joint agreements. Of those sixty-nine (69) joint agreements, an average of fourteen (14) districts will be funded within each consolidated application. In some areas throughout the State, three and five tenths (3.5) percent of the of Part B funds will flow through a consolidated application directly to a designated regional entity for low incidence services.

Nearly 100% of all local education agencies benefit directly from IDEA Part B funds, and all districts benefit indirectly.

Federal Funds for State Administration

The SEA will utilize five percent (5%) of the discretionary funds for SEA administrative positions and activities. Half of the remaining Part B discretionary funds (12.5%) are required by state law to be set aside to offset costs for room and board expenditures of residentially placed children. In Chapters II and III, a more detailed description of these services is provided.

Use of State Agency Allocations

The Department of Special Education is taking several steps to provide programmatic and administrative leadership to ensure high-quality education using effective practices and to provide children and youth with an education which prepares them to function in adult life with the greatest degree of independence. The initiatives and plans for their implementation are described below.

Identification and Delivery of Services to Students with Mild Disabilities

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The Department of Special Education has as a part of its mission the goal of promoting an integrated educational system that is accessible and responsive to all children. Over the next three to five years, the Department will move toward reaching the goals of insuring appropriate identification of students with disabilities who are currently being determined eligible for special education, developing and employing effective instructional programs for students with mild disabilities and students with learning and behavior problems in the regular education environment and facilitating coordination and collaboration among service providers and administrators.

Integration of Students with Severe Disabilities

Another Department of Special Education initiative is the integration of students with severe disabilities into chronologically age-appropriate, regular education facilities which provides a curriculum that prepares them to function in life after school and provide for their transition into work opportunities. Integration is an often misunderstood concept. Simply stated, integration is the availability of services within the regular educational system to enable students with severe disabilities to be educated with students without disabilities. Successful integration requires planning and the thoughtful participation of educators, parents and students. Integration is individually planned, provided and evaluated with supports, resources, and adaptations designed to promote meaningful interactions between peers with and without disabilities.

Four elements are essential to accomplishing integration: education in integrated settings with students without disabilities, curricula that are functional and community-based, early initiation of transition activities, and early job training experiences in natural settings.

There are concerns that many Illinois students with severe disabilities who are currently placed in more restrictive educational settings are generally placed on the basis of the disability category, rather than individual needs. Services in regular public schools for this population often are not available. It is a proven principle that many students learn best how to function in the real world when educated with their peers without disabilities in the regular school environment, regardless of their disability.

The State Board of Education is funding twenty-five CHOICES projects in support of this initiative. Implementation of these school program projects will assist in accomplishing the following objectives:

1. Provide a chronologically age-appropriate, integrated, public school program for a heterogeneous group of both elementary and high-school-age students with severe disabilities;
2. Provide students with instruction in natural domestic, community-at-large, recreation/leisure, and vocational environments as a daily part of curricular activities;



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3. Provide for the transition of students into integrated adult living, playing, and working in local community environments.

It is the intention of the Illinois State Board of Education to expand this initiative until an integrated education is available to all students with severe disabilities in Illinois who can benefit from this approach.

Improve Special Education for Students with Behavior Disorders/Emotional Disorders

The major goal of this initiative is the development of a network of coordinated community services to meet the needs of students with behavior disorders/emotional disorders and their families.

Six projects are currently funded and are in their first full year of a three year program.

Support Services Provided by the State with Part B Funds

For FY 93, the State Board of Education's Department of Special Education will direct 4% of IDEA Part B Discretionary funds to meet priorities one and two, unserved and underserved children and youth with disabilities throughout the state.

For FY 94, the State Board of Education's Department of Special Education will direct 4% of IDEA Part B Discretionary funds to meet priorities one and two, unserved and underserved children and youth with disabilities throughout the state.

For FY 95, the State Board of Education's Department of Special Education will direct 4% of IDEA Part B Discretionary funds to meet priorities one and two, unserved and underserved children and youth with disabilities throughout the state.

Discretionary grant funds are made available to local educational entities for development of programs and practices that include statewide program improvement efforts in services to Behavior Disordered Children and Youth, Least Restrictive Environment, Integration, Supportive Employment, Transition Services, Limited-English-Proficient Services for Children and Youth with Disabilities, Regular Education Initiative and Parent Education Partnerships. In addition to competitive discretionary grants, monies are also made available for low incidence services through increasing the LEA's share of Part B from 75% to 78.5%. This additional 3.5% must be used specifically for low-incidence services.

Administrative Costs of Monitoring and Complaint Investigations for FY 93, FY 94 and FY 95

FY 93 \$676,269 (13.8 FTE x \$49,005)

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FY 94 \$720,222 (13.8 FTE x \$52,190)  
FY 95 \$767,032 (13.8 FTE x \$55,582)

## XVI. ADDITIONAL INFORMATION

The Illinois State Board of Education does not provide direct instructional services as indicated in 34 CFR 300.151. All direct instructional services are provided by local, joint agreement and education agencies.

## XVII. INTERAGENCY AGREEMENT

Interagency Agreement

The Illinois State Board of Education has several agreements which address a free appropriate public education for children and youth with disabilities.

- A Memorandum of Understanding, as of August 1980, exists between eight state entities, addressing private residential placement processes.
- One exists between the Illinois Department of Public Aid and Illinois State Board of Education, as of July 1991, allowing LEAs to access Medicaid funds for related services.
- Several agreements are in process on early intervention.
- An agreement of 1990 exists between the Department of Rehabilitation Services (DORS) and the Illinois State Board of Education on access of youth in Project CHOICES to DORS services.

Financial Responsibilities

LEAs have the responsibility to provide or assure the provision of special education and related services for youth in their catchment areas. They can and are encouraged to seek services from other state agencies. However, other agencies such as DMH/DD or DORS are not mandated to provide services by entitlement. The burden of responsibility falls on the LEA/SEA.

Dispute Resolution

The Community and Residential Services Authority (CRSA), established in 1985 by law, combines interagency deliberations with legislative authority to plan for a more responsive, efficient and collaborative service system and to resolve multiple-agency services disputes involving children with severe emotional and/or behavioral disorders. In addition to its legislative mandate to provide technical assistance CRSA has had an interagency Dispute Resolution mechanism in place since 1987. The Dispute Resolution Process is a four level process of case review: Field Review, Central Review, Authority Review and Director's Review.

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A majority of the disputes have been resolved through technical assistance or at the Field Review level. A few cases have reached the Central Review level, one case has reached the Authority Review level and no cases to date have reached the Director's Review level. This mechanism in adaptable/replicable for a variety of uses.

## XVIII. PERSONNEL STANDARDS

State Regulations Regarding Personnel Standards

Illinois has promulgated rules, procedures and standards for personnel providing special education and related services. Section 14-9.01 of the School Code states,

"No person shall be employed to teach any class or program authorized by this Article who does not hold a valid teachers' certificate as provided by law and unless he has had special training as the State Board of Education shall require. All other professional personnel employed in any class, service, or program authorized by this Article shall hold such certificates and shall have had such special training as the State Board of Education may require."

23 Ill. Adm. Code 226.820 also addresses personnel standards for special education as follows.

1. Professional instructional personnel shall qualify under any one of the following circumstances:

- a. Hold standard Special Illinois Teachers' Certificate, Type 10, in the area of responsibility;
- b. Hold standard Illinois Teachers' Certificate and have met full approval outlined by The State Board of Education in 23 Ill. Adm. Code 25 Certification; and

c. Hold Standard Illinois Teachers' Certificate and receive approval by the State Board of Education for specialized functioning in relation to a special education program;

2. Other certified personnel employed by the school district to provide special education services shall hold accreditation appropriate to the area of responsibility and shall be approved by the State Board of Education.

3. Each director and assistant director of special education shall hold a valid administrative certificate and shall meet requirements for approval as outlined by the State Board of Education.

4. Supervisory personnel shall hold a valid certificate in the area of

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responsibility and shall meet requirements for approval as outlined by the State Board of Education.

Description of Personnel Standards

The Illinois State Board of Education has developed standards for personnel serving students with disabilities. These standards fall into four general categories as described below.

1. Standard Special Certificate issued in Special Education Areas.

Standard Special Certificates are issued to individuals who hold a bachelor's degree from a recognized teacher education institution and meet general and professional requirements as specified in the Document Minimum Requirements for State Certificates which is included in the Appendix. Currently the special education areas for which certification on a Standard Special Certificate is available include:

- a. Educable mentally handicapped,
- b. Learning disabilities,
- c. Social/emotional disorders,
- d. Trainable mentally handicapped,
- e. Blind and partially seeing,
- f. Deaf and hard of hearing,
- g. Physically handicapped,
- h. Speech and language impaired.

2. Approvals Issued to Teach in Approved Special Education Programs

Personnel approvals to teach in approved Special Education programs are granted to individuals who meet preparation standards set by the State Board of Education and are limited to the grade levels of the teaching certificate which the individual possesses. Approvals to teach are granted in the following areas:

- a. Educable mentally handicapped,
- b. Learning disabilities,
- c. Social/emotional disorders,
- d. Trainable mentally handicapped,
- e. Physically handicapped.

The specific requirements for these positions are included in the document appendix.

3. Approvals for "Other" Special Education Personnel

The Illinois State Board of Education reviews and approves personnel employed in special education positions other than those described above. The State Board of Education evaluates materials and documentation and determines

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approval on an individual basis. These include:

- a. Adapted Physical Education,
- b. Community Services Coordinator,
- c. Rehabilitation Counselor,
- d. School Psychologist Intern,
- e. School Social Work Intern,
- f. School Nurse Intern,
- g. Other Necessary Professional.

Personnel Meeting Standards from Other States

An individual who holds, or is eligible to hold, another state's teacher, school service personnel, or administrative certificate may be granted an Illinois certificate if certain requirements are met. Those requirements include a determination of the comparability of the out-of-state certificate to the corresponding Illinois certificate and an evaluation of the individual's transcripts. All statutory requirements and professional education and area of specialization requirements in effect in Illinois at the time application is made must also be met and verified.

Procedures for Establishment and Maintenance of Personnel Standards

Section 122.21-13 of the School Code establishes a State Teacher Certification Board for the purposes of establishing and maintaining personnel standards. The Board meets at least annually and more often as needed. Institutions in the state which want to be recognized as teacher training institutions must meet certain requirements established by the State Board of Education in consultation with the State Teacher Certification Board. The State Teacher Certification Board also advises the State Board of Education regarding any needed changes, additions or deletions to personnel standards.

In regard to special education personnel standards, both the Higher Education Advisory Council and the Comprehensive System of Personnel Development Committee confer with State Board of Education staff regarding personnel standards. As a result of this input, suggestions and recommendations concerning personnel standards in special education are made to the Teacher Certification Board through the Department of Teacher Education and Certification of the State Board of Education. In addition, the State Advisory Council on the Education of Handicapped Children gives advice regarding the establishment and maintenance of personnel standards for individuals serving students with disabilities. Data are collected by the State Board of Education on an ongoing basis to determine the need for additional personnel standards, the modification of existing standards, and the effectiveness of personnel standards in meeting the needs of children with disabilities.

Personnel Standards Based on Highest Requirements

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A determination has been made that the personnel standards for professionals working with children and youth with disabilities meet the highest requirements in the state for each discipline and profession. The requirements of all state statutes and the rules of all state agencies involved in serving children and youth with disabilities have been considered. The information used to make this determination is on file with the State Board of Education and is available to the public.

Emergency and Temporary Certification

The State Board of Education, on occasion, does provide emergency and temporary certification for individuals working with children and youth with disabilities. This is available for all position categories. However, this is done on an individual basis and is specific to the unique nature and circumstances of the individual and the job position. The request must be made by the school district requesting the emergency certification and sufficient justification must be given. In approving such situations, appropriately meeting the needs of the students with disabilities is the first priority. Emergency and temporary certifications are approved on a one-year basis and school districts requesting such certification must submit a plan and a timeline for insuring that the individual so certified obtains full certification.

As part of it's Part D project, and its CSPD efforts, Illinois is implementing a major activity to recruit and train needed special education personnel. This initiative began during the 1991-92 school year and will continue to be developed and implemented for the next three years. After that time the system will be monitored and maintained to insure that it continues to meet the needs of the state.

The elimination of the use of waivers for the employment of persons who do not meet the highest standard applicable to a specific profession or discipline will be one of the main outcomes of this initiative. The steps involved in this process and the proposed timeline for accomplishing those steps are described below.

Activity	Timeline
1. Input from various stakeholders	January, 1992-March, 1992
2. Design of plan	April, 1992-May, 1992
3. Development of budget	June, 1992
4. Establish committee composed of IHE's, state certification staff, state special education staff, teachers and school administrators	July, 1992-August, 1992
5. Identification of needs, i.e., what are the gaps in training programs, certification	



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- standards, recruitment of personnel, etc.  
Sept., 1992-December, 1992  
Development of additional training programs as needed  
7. Study of certification standards and any needed modification  
8. Implementation of additional training programs  
9. Establish committee to recruit personnel and develop incentives for individuals to obtain full certification  
10. Identify and develop activities to recruit personnel  
11. Implementation of activities  
12. Review of training programs and incentives, evaluation of numbers of individuals still requiring waivers  
13. Implement needed changes to program activities  
14. Elimination of waiver system, i.e., will no longer issue waivers and all individuals employed in the state will meet the highest standard for each profession or discipline.  
15. Monitoring and maintenance of program  
January, 1996-

This information will be disseminated through the following processes:

- 1) Information will be included in articles in the Forum, the State Board of Education's Special Education newsletter;
- 2) Sessions will be conducted at the annual special education directors conferences;
- 3) The state's Comprehensive System of Personnel Development committee will be involved in ongoing activities related to this initiative;
- 4) The Higher Education Advisory Council will be kept informed at its regular meetings of the progress of these activities;
- 5) Information will be distributed through various Administrative Bulletins issued by the Department of Special Education, State Board of Education.

XIX. PRESCHOOL GRANT

OMB Number 1820-0552  
Expires: 6/30/93

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PRESCHOOL GRANTS APPLICATION  
UNDER SECTION 619 OF THE  
INDIVIDUALS WITH DISABILITIES EDUCATION ACT  
(IDEA)

APPLICATION FOR FEDERAL ASSISTANCE  
FEDERAL FISCAL YEARS 1992-1994

(SCHOOL YEARS 1992-93, 1993-94, AND 1994-95)  
ED FORM B20-24P

SUBMITTED BY

ILLINOIS STATE BOARD OF EDUCATION  
DEPARTMENT OF SPECIAL EDUCATION  
APRIL 1, 1992

SUBMITTED TO

DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES  
OFFICE OF SPECIAL EDUCATION PROGRAMS  
WASHINGTON, D.C. 20202-3094

PART I: CERTIFICATION AND PUBLIC PARTICIPATION

A. Submission Statement and Certification

I, the undersigned authorized official of the State Educational Agency of Illinois, hereby submit the following preschool Grants application for Federal fiscal years 1992-94 under Section 619 of the Individuals with Disabilities Education Act, as amended. The preschool Grants program will be operated in accordance with the contents of this application and all applicable statutory and regulatory requirements.

Date  
(Signature of Authorized Official)  
Robert Leininger  
State Superintendent of Education  
Illinois  
(State)

B. Executive Order 12372

This State certifies that:

To the best of our knowledge and belief, data in this application are true and correct, the document has been duly authorized by the governing body of the

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State Educational Agency, and the State will comply with the attached assurances if the application is approved.

The application was submitted to the State's "single point of contact" under Executive Order 12372 on December 17, 1991.

month/day/year

## C. Public Participation

The State educational agency assures that it will provide reasonable opportunities for the participation by local agencies, representatives of the class of individuals affected by each program and other interested institutions, organizations, and individuals in the planning for the operation of each program, including the following provisions:

1. The State consulted with relevant advisory committees, local agencies, interest groups, and experienced professionals in the development of program plans required by statute:

See reference document 1.

2. The State published each proposed plan, in a manner that ensured circulation throughout the State at least sixty days prior to the date on which the plan becomes effective, whichever is earlier, with an opportunity for public comments on such plan accepted for at least thirty days:

See reference document 1.

3. The State held public hearings on the proposed plans if required by the [Secretary] by regulation:

This requirement does not apply to Section 619. However, because the Preschool State Plan is being submitted as part of the Part B State Plan, public hearings will be held on the Preschool State Plan as part of those being conducted on the Part B State Plan.

4. The State provided an opportunity for interested agencies, organizations, and individuals to suggest improvements in the administration of the program and to allege that there has been a failure by any entity to comply with applicable statutes and regulations:

See reference document 1.

5. The State considered and/or made changes as a result of public comment:

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See reference document 1.

Illinois  
(State)

## D. Certification Required by EDGAR

The State educational agency assures that it will comply with the provisions contained in 34 CFR 76.101:

1. That the application is submitted by the State agency that is eligible to submit the application.
2. That the State agency has authority under State law to perform the functions of the State under the program.
3. That the State legally may carry out each provision of the application.
4. That all provisions of the application are consistent with State law.
5. That a State Officer, specified by title in the certification, has authority under State law to receive, hold, and disburse Federal funds made available under the application.
6. That the State Officer who submits this application, specified by title in the certification, has authority to submit the application.
7. That the agency that submits the application has adopted or otherwise formally approved the application.
8. That the application is the basis for State operation and administration of the program.

## E. Certification Regarding Lobbying, Debarment, Suspension and Other Responsibility Matters and Drug-Free Workplace Requirements

ED Form 80-0013 has been submitted as part of the 1993-95 Part B State Plan.

Illinois  
(State)

## PART II: BUDGET INFORMATION

The State Educational Agency assures that funds under this grant will be allotted according to the requirements at 34 CFR 301.30(a), (b), and (c).

- A. Percentage of funds the SEA plans to use for direct and support services or planning and of a comprehensive service delivery 20%

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system (not more than 20% of the grant award)

B. Percentage of funds the SEA plans to use for administrative costs (not more than 5% of the grant award) 5%

C. Percentage of funds the SEA plans to award to LEAs and IEUs (at least 75% of the grant award) 75%

## PART III: PROGRAM NARRATIVE

## A. Discretionary Funds

Discretionary funds will be used during school years 1992-93, 1993-94, and 1994-95 to meet the goals of the Early Childhood Special Education Strategic Plan. The eight goals in the strategic plan are statements of outcomes of early childhood special education programs to be developed by the year 2000.

1. Description of direct and support services to children with disabilities from three through five years of age:

## a. Early CHOICES

Under an RFP, Early CHOICES will provide discretionary funds to identified sites during each school year. The site funds will be used for the following purposes: (1) to plan for the development or expansion of integrated preschool placement options; (2) to implement (establish or expand) integrated preschool placement options; and (3) to plan for system change regarding the use of integrated preschool placement options.

## b. Child Find: Building Better Tomorrows

Child Find: Building Better Tomorrows is a child find marketing campaign developed through a grant from the Illinois State Board of Education to the Gallatin-Hardin-Pope-Saline Educational Service Region. The campaign has two basic goals: (1) to help local education agencies notify large numbers of people in diverse target audiences that Child Find can assist in securing appropriate programs and services for persons with disabilities under the age of 21 years; and (2) to help local education agencies inform parents of persons identified through Child Find of their rights to programs and services.

## c. Parent-Infant Institutes

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Parent-infant institutes at the state-operated School for the Visually Impaired and the School for the Deaf will again be funded in part through grants from the Illinois State Board of Education. The institutes are designed to provide comprehensive assessments for infants and toddlers who are visually impaired or deaf and to provide training and networking opportunities for the families of participating children.

2. Description of activities regarding the planning and development of a statewide, comprehensive service delivery system for children with disabilities from birth through five years of age:

## a. Regional Technical Assistance System

The Regional Technical Assistance System (R\*TAS) will be continued. R\*TAS has provided technical assistance and inservice training for four years to early childhood special education staff in six regions of the state. A parent training component is included.

A Statewide Coordinator for R\*TAS, based at the South Metropolitan Association in Flossmoor, will continue to be responsible for coordinating the statewide delivery of technical assistance, inservice training for early childhood special education and early intervention program staff. Training for early intervention staff will include the six inservice training modules developed for the Illinois Technical Assistance Project (ITAP), which serves personnel working with infants/toddlers with delays and their families. The ITAP Coordinator is also based at the South Metropolitan Association. The Statewide Coordinator and ITAP Coordinator positions will be funded through a grant from the Illinois State Board of Education.

R\*TAS will also coordinate with a number of the other training initiatives in the state through the Staff Development Coordination Committee. The Staff Development Coordination Committee was formed to enable organizations/agencies involved in the training of early childhood staff throughout the state to exchange information about and to coordinate training efforts. The committee will meet quarterly, chaired by the R\*TAS Statewide Coordinator.

## b. Search for Exemplary Practices in Early Childhood Education

A search to identify exemplary practices in early childhood education in Illinois will again be conducted. The purposes of the search will be: (1) to highlight the importance of providing high-quality early childhood programming for all young children; (2) to recognize exemplary and innovative service delivery programs in early childhood education; and (3) to provide models for other school or community programs as they develop and expand services for young children. A set of quality indicators will be applied during application reviews



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and on-site visits as part of the search.

c. Training Institutes

A series of institutes will be held on a for-credit basis in collaboration with Illinois universities. Planning for the institutes will span a multi-year period and reflect identified inservice training needs of both early intervention and preschool staff. Topics which have already been identified are the following: strategies for supporting integration in community preschool settings, working with adults/teaming/interagency collaboration, and the application of developmentally appropriate practice to programs serving preschoolers with disabilities. Additional needs assessments will be conducted as part of the institute planning.

Coursework through a number of universities will be offered via the WIU/ISBE Educational Satellite Network, is in the planning stages, to be co-funded by Prekindergarten at Risk of Academic Failure Programs and Head Start. Target audiences for the coursework will be early childhood special education staff in the Chicago Public Schools and preschool staff in community settings, such as Head Start and child care. The targeted Chicago early childhood special education teachers are those who lack Illinois certification due to a change in certification standards (formerly under the Chicago Board of Education and now under the State Board of Education). The targeted preschool staff in community settings are those whose classrooms may be utilized as integrated settings for special education eligible preschoolers and who may, therefore, wish to meet Illinois teacher certification standards for serving those children.

A training module regarding the administration of various early childhood education programs will be developed and implemented through the Illinois State Board of Education's Administrators' Academy. The module will focus on use of a service delivery system which incorporates community early intervention and preschool settings, effective teaching strategies for preschoolers and ways to evaluate them, working with parents/families, and development and learning during the preschool years.

d. Directory Listing of Early Childhood Special Education Programs in State

A listing of early childhood special education programs in Illinois will be updated. The database of directory information will be utilized by Direction Service, which has developed the central directory under Part H. The revised directory listing (document) with additional narrative information about the services provided, curriculum models utilized, and other service delivery information will be disseminated statewide on an annual basis.

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e. Parent Training/Activities

Opportunities for parent attendance at workshops and conferences will be made available through the Regional Technical Assistance System, Early CHOICES, and other Illinois State Board of Education initiatives. In addition, support will be provided via the following activities: information dissemination/mailings to parents, parent mentoring, parents as presenters/speakers bureau, and coordination of parent groups/organizations/resources.

f. Recruitment and Training of Bilingual Persons

Collaborative activities will be conducted by the Illinois State Board of Education, four Chicago area universities, and early childhood programs in Hispanic neighborhoods of Chicago. The activities will support the recruitment of bilingual persons into training programs in the areas of early childhood special education, occupational therapy, physical therapy, and speech/language pathology. The training programs will incorporate an emphasis on practicum experiences within the community early childhood programs.

Activities will include recruitment of students, development and administration of demonstration (practicum) sites in Chicago, stipends for students to attend training, and provision of faculty in nontraditional coursework tied to the practicum sites.

g. Illinois Early Childhood Intervention Clearinghouse and Newsletter

The Illinois Early Childhood Intervention Clearinghouse and Newsletter will continue to be funded in part by Preschool Grant funds. The Clearinghouse provides information to a wide audience of parents and professionals working with young children and their families and operates a toll-free number for the ease of its users. In addition, the Clearinghouse newsletter is the primary vehicle for informing parents and service providers of activities being implemented under the Preschool Grant and under Part H.

h. Removal of Integrated Program Disincentives

Local and statewide policies will be reviewed in order to facilitate the expansion of integrated service delivery for preschoolers. Among the changes to be considered are program and personnel standards which will allow schools to develop placement options outside of public school programs while meeting special education requirements of supervision, program standards, and qualified personnel. These include the following: developing standards and nonpublic school program approval procedures that are specific to preschool environments; developing a list of "indicators of quality" to guide LEAs and parents in making decisions regarding integrated options;

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ensuring that special education and related services are provided under the supervision of certified special education personnel, but not requiring that all personnel in the integrated site meet special education personnel standards; providing incentives for underqualified teachers to upgrade their credentials to meet SEA requirements at no cost to the teacher; developing state education personnel standards that create new (or recognize other) credentials generic to early childhood settings; providing in-kind technical assistance and training to private, community-based preschool providers; and providing high quality program personnel in lieu of funding or tuition payments to community programs.

Fiscal parameters related to the use of funds which are disincentives to integration will be examined and revised including: establishing state special education funding formulas that provide for combining "fractions" or "units" to equal a full-time equivalent (e.g., itinerant staff serving many different children at different sites); developing funding allocation procedures across programs (special education, at-risk, child care, etc.) that allow for combinations of various funding streams to be used in one integrated program; and allowing for the actual payment of tuition in mainstream sites or the provision of services such as personnel, personnel and parent training, transportation, related services, etc., in lieu of tuition payments.

Eligibility requirements for programs such as Part B of IDEA, Head Start, and ECIA will be reviewed to maximize the use of categorical funding and program resources.

Transportation practices will be revised to facilitate integration, including: providing flexible transportation schedules and routes that coincide with schedules and locations of integrated (community-based) sites; providing for reimbursement to families or others who provide transportation; and utilizing the transportation provided by the integrated site in exchange for other education agency services or resources.

i. Noncategorical Eligibility

A new category of eligibility for preschoolers will be proposed. Under the proposal, preschool children with disabilities would be declared eligible for special education services under the category "Early Childhood Eligible." Preschool children found eligible under the new category would then be reported to the state as "Early Childhood Eligible" except for those children previously diagnosed as having a disability condition such as deaf, blind, and so forth.

B. Flow-Through Funds

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1. Flow-through application and approval procedures:

A copy of the application package used by the SEA for subgrantees to apply for subgrants under this program is included in Reference Document 1.

The approval procedures used by the SEA to approve subgrants is included in Reference Document 2.

2. An estimate of the number and percent of LEAs and IEUs in the state that will receive a subgrant:

Illinois has eighty-nine (89) eligible public school entities that can receive preschool flow through funds. Of the eighty-nine entities, twenty-one (21) are single unit districts and sixty-eight are joint agreements. Nearly all school districts that have an elementary school population will benefit either directly or indirectly from these funds.

3. An estimate of the number of LEAs and IEUs that will receive a subgrant under a consolidated application:

Approximately 983 entities will receive a subgrant under a consolidated application.

4. An estimate of the number of consolidated applications that will be funded and the average number of LEAs and IEUs in each consolidated application.

Sixty-eight (68) consolidated applications are expected to be funded. Consolidated applications average fourteen (14) districts per application.

C. Administration Funds

1. A statement of each administrative activity the SEA will carry out with these grant funds:

The Illinois State Board of Education will plan and implement activities utilizing discretionary funds under this grant and participate in the planning and development of a statewide, comprehensive service delivery system for children with disabilities from birth through five years of age. The State Board will provide training and technical assistance on a statewide basis regarding services to preschoolers with disabilities and engage in planning for staff development on both preservice and inservice levels. In addition, the State Board will provide state and local grants management, program research and evaluation, compliance monitoring, and fiscal services.

2. A list of each position to be paid in whole or part with Preschool Grant funds, a description of each of these positions, and the percentage of salary of each of these positions to be paid with Preschool Grant funds:

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The grant will support the following staff positions within the Illinois State Board of Education, Department of Special Education (percentage of salary indicated by FTE):

Program/Personnel Development

- 1.00 FTE Preschool Grant Coordinator
- 1.00 FTE Preschool Consultant
- 1.00 FTE Preschool Staff Development Specialist
- 1.00 FTE Education Specialist II
- 1.00 FTE Education Specialist II
- 1.00 FTE Supervisor
- .25 FTE Education Consultant I
- .50 FTE Special Education Specialist II
- 1.00 FTE Secretary
- 1.00 FTE Secretary II
- 1.00 FTE Operations I
- .50 FTE Operations II

Regulatory Operations

- .25 FTE Supervisor
- .50 FTE Special Education Specialist II
- .50 FTE Special Education Specialist II
- .50 FTE Special Education Specialist II
- .25 FTE Special Education Specialist II
- .25 FTE Special Education Specialist II
- .25 FTE Special Education Specialist II
- .25 FTE Education Consultant I
- .25 FTE Clerk IV

Field Services

- .25 FTE Education Consultant I
- .25 FTE Education Consultant I
- .25 FTE Special Education Specialist I
- .25 FTE Education Specialist II

State Programs/Technology

- .50 FTE Education Specialist I
- .25 FTE Special Education Specialist II
- .50 FTE Clerk IV
- .25 FTE Clerk IV

Reimbursements

- 1.00 FTE Accountant I

The Preschool Grant Coordinator, within the overall context and structure of the Department of Special Education, will assist in planning and coordinating the implementation of direct and support services which the SEA will provide for children with disabilities ages three through five. The Preschool Grant Coordinator will maintain contact with coordinators from other states in order to exchange information on programming innovations and research in other states and will act as the Illinois State Board of Education representative for Section 619 in contacts with the National Early Childhood Technical Assistance System (NEC\*TAS) and with the Office of Special Education Programs (OSEP). Information from other states and NEC\*TAS will be disseminated, as appropriate, within the agency and to Illinois early childhood service providers. In addition, the Preschool Grant Coordinator will participate in the planning and development of a statewide comprehensive service delivery system for children with disabilities from birth through age five.

The Preschool Consultant will design and supervise production of documents and resource materials and disseminate other information on a statewide basis. In addition, the Preschool Consultant will respond to questions and individual requests from joint agreement directors of special education, regional/local early childhood coordinators, teachers, legislators, Illinois' federally funded Early Education Program for Children with Disabilities (EEPCD) project directors, parents, and representatives of other state agencies. Assistance will be provided in delineating appropriate and effective components of early childhood programs; provision of district, joint agreement, and regional technical assistance or training; and location of needed materials and services. The Preschool Consultant will act as a resource person and trainer to meet intra-agency needs, including providing information and inservice training to other units within the department and to other departments within the agency. The Preschool Consultant will also be a member of the Illinois State Board of Education's Internal Early Childhood Committee and work with the Interagency Staff Team to coordinate the implementation of the Preschool Grant with that of the Part H Grant.

The Preschool Staff Development Specialist will have responsibility for all major staff development initiatives under the Preschool Grant, including R\*TAS, ITAP, the Staff Development Coordination Committee, Comprehensive System for Personnel Development (CSPD), training institutes, and other training/certification initiatives. The Preschool Staff Development Specialist will plan and coordinate statewide conferences and workshops. The Preschool Staff Development Specialist will serve as a liaison to the Early Intervention Personnel Development Committee of the State Interagency Council for Early Intervention under Part H, the Higher Education Advisory Committee, and the Higher Education Commission on Early Childhood.

The other professional staff positions will provide additional training and technical assistance, compliance monitoring, procedural safeguards,



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grants and fiscal management, surrogate parent services, child count and data management, and planning/policy

development regarding the development of a statewide, comprehensive service delivery system for children with disabilities from birth through five years of age. The functions performed by these persons will assist in the implementation of the grant.

The support staff persons will assist professional staff members in carrying out grant activities.

D. Services provided because an LEA or IEU is unable or unwilling to provide special education and related services to preschool-age children with disabilities residing in the area covered by that LEA or IEU:

No such services will be provided.

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Early Childhood Special Education

STRATEGIC PLAN

Goal 1:	Every child will participate in a program with a stated philosophy which is reflected in its curriculum.
Goal 2:	Every child will move in or out of programs according to a written transition plan.
Goal 3:	Every child's assessment will be based on knowledge of child development.
Goal 4:	Every child will have the opportunity to be educated with typically developing peers.
Goal 5:	Every family will have the opportunity to be involved in their child's early education program.
Goal 6:	Every child will be treated with dignity and respect.
Goal 7:	Every child and family will have access to services which are provided in a coordinated manner.
Goal 8:	Every early childhood educator will have a professional image.

Strategy 1: Policy and Resource Analysis	Strategy 2: Information Dissemination	Strategy 3: Training and Technical Assistance	Strategy 4: Discretionary Projects/Model Sites
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Activities	Activities	Activities	Activities
Policy Review and Revisions EC Program Standards IFSP/IEP Components Noncategorical ECSE Eligibility Removal of Barriers and Disincentives IEPs Community Settings Inventory EC Certification	Early Childhood Intervention Clearinghouse and Newsletter Child Find: Building Better Tomorrows LRE Technical Assistance Document Staff Development Coordination Committee	R*TAS ITAP Training Institutes Head Start/ISBE Agreement Administrators' Academy Parent Training Recruitment and Training of Bilingual Persons Satellite Coursework	Early CHOICES Search for Exemplary Practices Parent-Infant Institutes Diagnostic Programs

## DEPARTMENT OF REVENUE

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1. Statute requiring agency to publish information concerning Private Letter Rulings in the Illinois Register:

Name of Act: Illinois Department of Revenue Sunshine Act  
Citation: 20 ILCS 2515/1 et seq.

2. Summary of information:

Index of Department of Revenue income tax Private Letter Rulings and General Information Letters issued for the Third Quarter of 1994. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 86 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act. (See 86 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

#### Addition Modifications

Bond Premium Amortization

Dividends

Interest

Net Operating Loss

Zero Coupon Bonds

Other Rulings

(Not Included Above)

Administrative Review

Allocation

(For Alternative Apportionment

Rulings, See that heading)

Alternative Apportionment

Amnesty

Apportionment

Financial Organizations

Insurance Companies

Payroll Factor

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Property Factor  
Sales Factor  
Transportation Services  
Other Rulings  
(Not Included Above)

Assessment

Bankruptcy

Base Income

(Also See Addition

Modifications, Fringe

Benefits, Subtraction

Modifications)

Books and Records

Bulk Sales: See Sales

Outside the

Ordinary Course of

Business (Bulk Sales)

Business Income

Capital Gains (Losses)

(Also See Subtraction

Modifications -

Valuation Limitation)

Check Off Funds

Circuit Breaker

Claims for Refund: See Refunds

Collection

Combined Unitary Return

(Also See Unitary)

Commercial Domicile

Compensation

Composite Returns

Confidentiality

Credits

Coal Research and Utilization

Credit for Replacement Tax

Paid

Enterprise Zone

Investment

Foreign Tax

High Impact Business

Investment

Jobs Tax

Replacement Tax Investment

Research and Development

Training Expense

Other Rulings

(Not Included Above)

Deficiencies

Definitions

## DEPARTMENT OF REVENUE

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Domestic International Sales Corporations (DISCs)  
 Elections: See Combined Unitary Return, Extensions, Unitary  
 Enterprise Zones  
 (Also See Credits, Subtraction Modifications)  
 Erroneous Refund: See Refunds  
 Estates  
 Estimated Tax  
 Exempt Organizations  
 Exemptions  
 Extensions  
 Failure to File: See Penalties  
 Failure to Pay: See Penalties  
 Farmers: See Estimated Tax  
 Federal Returns  
 Fiduciaries  
 Financial Organizations: See Apportionment  
 Foreclosure  
 Foreign Sales Corporations (FSC's)  
 Foreign Tax: See Credits  
 Foreign Trade Zones: See Subtraction Modifications,  
 Credits--Jobs Tax  
 Forms  
 Fraud: See Penalties  
 Fringe Benefits  
 IRC .125 "Cafeteria" Plans  
 IRC .401(k) Plans  
 Other Rulings  
 (Not Included Above)  
 Gain (Loss): See Capital (Losses), Valuation Limitation  
 Information Reports  
 Insurance Companies: See Apportionment  
 Interest Income  
 (Also See Addition Modifications,  
 Subtraction Modifications)  
 Interest on Refunds and Deficiencies  
 IRC Section 338  
 Jeopardy: See Assessment  
 Judicial Review  
 Liens  
 Limited Liability Companies  
 Lottery  
 Military  
 (Also See Subtraction

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Modifications)  
 Miscellaneous  
 Modification Addition: See Addition Modifications  
 Modification Subtraction: See Subtraction Modifications  
 Mutual Funds: See Subtraction Modifications  
 Net Income (Loss) and Net Loss Deduction (IITA Section 207)  
 (Also See Base Income, Capital Gains (Losses), Combined Unitary Return, Net Operating Loss and Net Operating Loss Deduction)  
 Net Operating Loss and Net Operating Loss Deduction  
 Nexus: See Public Law 86-272/Nexus  
 Nonbusiness Income  
 Nonresidents: See Residency/Nonresidency  
 Notice and Demand: See Notices  
 Notices  
 Nuclear Decommissioning  
 Trusts  
 Overpayments: See Refunds  
 Partnerships  
 Payments:  
 Payroll Factor: See Apportionment  
 Penalties  
 Failure to File (IITA Section 1001)  
 Failure to File Withholding Returns (IITA Section 1004)  
 Failure to Pay (IITA Section 1002)  
 Failure to Pay Estimated Tax (IITA Section 804)  
 Fraud (IITA Section 1002)  
 Reasonable Cause (IITA Section 1001)  
 Underpayment of Tax (IITA Section 1005)  
 Other Rulings  
 (Not Included Above)  
 Pensions  
 (Also See Subtraction Modifications)  
 Political Organizations  
 Professional Athletes  
 Property Factor: See Apportionment



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Property Tax: See Subtraction Modifications

Protest

Public Law 86-272/Nexus

Rate of Tax

Real Estate Investment Trusts

Reasonable Cause: See Penalties

Refunds (Also See Subtraction Modifications)

Statute of Limitations

Other Rulings

(Not Included Above)

Regulated Investment Companies

Replacement Tax

(Also See Credits)

Requirements of Requests for General Information Letters

Requirements of Requests for Private Letter Rulings

Residency/Nonresidency Returns

(For Combined Unitary Return and Composite Return rulings, see those headings)

Amended Returns

Due Dates

Requirements to File

Short Period Returns

Other Rulings

(Not Included Above)

S Corporations

Sales Factor: See Apportionment

Sales Outside the Ordinary Course of Business (Bulk Sales)

Seizure

Separate Accounting: See Alternative Apportionment

Signature

Specific Accounting

Statute of Limitations: See Assessment, Collection, Deficiencies, Refunds

Subchapter 'S' Corporations: See S Corporations

Subpart F Income: See Subtraction Modifications

Subtraction Modifications

Bond Premium Amortization

Enterprise and Foreign Trade

## DEPARTMENT OF REVENUE

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Zones

Illinois Tax Refund

Interest on U.S. Government Obligations

Military

Money Market Mutual Funds

Qualified Pension Plans

Real Estate Taxes

Subpart F Income

Transportation Services

Valuation Limitation

Other Rulings

(Not Included Above)

Taxability in Other States

Taxable Year

Transferees

(Also See Sales Outside the Ordinary Course of Business (Bulk Sales))

Transportation Services: See Apportionment

Trusts

Uniform Penalty and Interest Act

Unitary

(Also See Combined Unitary Return)

U.S. Government Obligations: See Subtraction Modifications

Valuation Limitation: See Subtraction Modifications

Voluntary Disclosure Agreements

Waiver on Assessments: See Assessment

Withholding

Employee Benefits

Exemptions

Personal Service Contracts (ITTA Section 1405.2)

Reciprocal Agreements

Other Rulings

(Not Included Above)

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 25 cents per page for each page over one.

The indexes of Income Tax letter rulings for 1990, 1991, 1992 and 1993, are available for \$3.00.A cumulative Income Tax Sunshine Index of 1981 through 1989 letter rulings may be purchased for \$4.00.

## DEPARTMENT OF REVENUE

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## 3. Name and address of person to contact concerning this information:

Margaret Forth  
Office of the General Counsel  
101 West Jefferson Street  
Springfield, Illinois 62794  
Telephone: (217) 782-6996

## 1994 THIRD QUARTER SUNSHINE INDEX

## ALLOCATION

IT 94-0097 \$1.25 - General Information Letter: 08/31/1994 Federal law affects the authority of the State of Illinois to subject certain employees of motor carriers to Illinois income taxation. 49 U.S.C.A. 11504(b)(1) states that "no part of the compensation paid by a motor carrier providing transportation subject to the jurisdiction of the Commission under Subchapter II of Chapter 105 of this title or by a motor private carrier to an employee who performs regularly assigned duties in two or more states as such an employee with respect to a motor vehicle shall be subject to the income tax laws of any state or subdivision of that state, other than the state or subdivision thereof the employee's residence."

## ALTERNATIVE APPORTIONMENT

IT 94-0083 \$1.25 - General Information Letter: 07/18/1994 A departure from the required apportionment method is allowed only where such methods do not accurately and fairly reflect business activity in Illinois. Alternative allocation under Section 304(f) of the Illinois Income Tax Act is not intended to be invoked merely because it results in different amounts of income or loss than formula apportionment. However, if the application of the statutory formula will lead to a grossly distorted result in a particular case, a fair and accurate alternative method is appropriate.

IT 94-0107 \$1.25 -General Information Letter: 09/21/1994 Denial of a petition for alternative apportionment.

## APPORTIONMENT - SALES FACTOR

IT 94-0087 \$1.50 -General Information Letter: 07/22/1994 Section 304(a)(3)(B)(i) provides that for purposes of the sales factor, sales of tangible personal property are in Illinois if the property is delivered to or shipped to a purchaser, other than the United States Government, within this State,

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regardless of F.O.B. point or other conditions of sale.

## BASE INCOME

(Also See Addition Modifications, Fringe Benefits, Subtraction Modifications)

IT 94-0082 \$1.25 -General Information Letter: 07/18/1994 Discussion of why a particular taxpayer was subject to Illinois income taxation even though he owed no federal income tax.

IT 94-0104

\$1.25 -General Information Letter: 09/09/1994 In order to determine whether the payments the taxpayer will receive under his employer's voluntary transition program (early retirement) will be subject to Illinois income taxation, it is necessary to know the federal income tax treatment of these payments.

IT 94-0111 \$3.00 - Private Letter Ruling: 09/22/1994 If pooled local government investment fund is not subject to federal income taxation by virtue of IRC Section 115, the fund will have no taxable income, used as the starting point in determining Illinois base income under IIRA Section 203(b), subject to Illinois income taxation.

## CREDITS - REPLACEMENT TAX INVESTMENT CREDIT

IT 94-0096

\$1.25 -General Information Letter: 08/31/1994 The plain language of the replacement tax investment credit, found in Section 201(e) of the Illinois Income Tax Act does not authorize a pass through to partners and S corporation shareholders. The Department would exceed its authority under the Illinois Income Tax Act if it authorized such a pass through.

## CREDITS - RESEARCH AND DEVELOPMENT CREDIT

IT 94-0078

\$1.25 -General Information Letter: 07/08/1994 Section 201(k) of the Illinois Income Tax Act states that qualifying expenditures for increasing research activities in this State means the excess of qualifying expenditures for the taxable year in which incurred over qualifying expenditures for the base period. Qualifying expenditures for the base period means the average of the qualifying expenditures for each year in the base period. Base period means the three taxable years immediately preceding the taxable year for which the determination is being made.

## EXEMPT ORGANIZATIONS

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

- IT 94-0081 \$1.25 -General Information Letter: 07/14/1994 Section 205(a) of the Illinois Income Tax Act provides that an organization that is exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code is also without application, exempt from Illinois income taxation unless it has unrelated business taxable income as determined under Section 512 of the Internal Revenue Code.
- IT 94-0086 \$1.25 -General Information Letter: 07/21/1994 Pursuant to Section 205(a) of the Illinois Income Tax Act, an organization that is exempt from federal income taxation by reason of Section 501(a) of the Internal Revenue Code is also, without application, exempt from Illinois income taxation, unless it has unrelated business taxable income as determined under Section 512 of the Internal Revenue Code.
- IT 94-0114 \$1.25 -General Information Letter: 09/27/1994 Pursuant to Section 205(a) of the Illinois Income Tax Act, an organization that is exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code is also, without application, exempt from Illinois income taxation unless it has unrelated business taxable income as determined under Section 512 of the Internal Revenue Code.

## FRINGE BENEFITS - IRC 125 "CAFETERIA" PLANS

- IT 94-0093 \$1.25 -General Information Letter: 08/12/1994 Response to an annual survey.

## INFORMATION REPORTS

- IT 94-0079 \$1.25 -General Information Letter: 07/12/1994 Illinois does not require reporting on information returns except with respect to rents, royalties, personal services contracts and prize awards.
- IT 94-0098 \$1.25 -General Information Letter: 08/31/1994 Illinois does not require reporting on information returns except with respect to rents, royalties, personal service contracts and prize awards.

## MISCELLANEOUS

- IT 94-0077 \$1.50 -General Information Letter: 07/07/1994 Determination of the appropriateness of invoking the discrete business rule, as well as determinations as to whether the apportionment formulas in such cases have been properly determined are made by the Department's Audit Division.

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

- IT 94-0090 \$1.25 -General Information Letter: 08/09/1994 The Illinois income tax is a flat rate tax measured by net income and is imposed on every individual, corporation, trust and estate for each taxable year. The current tax rate for individuals is 3% of an individual's net income for the taxable year.
- IT 94-0099 \$1.25 -General Information Letter: 08/31/1994 General Information concerning the rate of income taxation of individuals under the Illinois Income Tax Act.
- IT 94-0100 \$1.50 -General Information Letter: 08/31/1994 Section 203 of the Illinois Income Tax Act provides that "in the case of an individual, base income means an amount equal to the taxpayer's adjusted gross income for the taxable year as modified by paragraph (2)." Section 203(a)(2) sets forth a number of addition modifications to and subtractions from federal adjusted gross income that must be taken into account in calculating a taxpayer's base income.
- IT 94-0103 \$1.25 -General Information Letter: 09/09/1994 Response to survey. Illinois does not tax military retirement pay.
- IT 94-0105 \$1.25 - General Information Letter: 09/12/1994 Response to annual survey.
- IT 94-0109 \$1.25 - General Information Letter: 09/22/1994 Response to annual survey.
- IT 94-0112 \$7.75 -General Information Letter: 09/23/1994 Response to an annual survey on state income taxation.
- PENALTIES - FAILURE TO PAY ESTIMATED TAX (IITA .804)
- IT 94-0108 \$1.50 -General Information Letter. 09/22/1994 Section 3-3 of the Uniform Penalty and Interest Act established a penalty for underpayment in the amount of 15% of the tax not paid by the due date, including underpayments of estimated tax. The underpayment penalty established by the UPIA is not time sensitive.

## PUBLIC LAW 86-272/NEXUS

- IT 94-0076 \$1.50 -General Information Letter: 07/01/1994 Section 314 of the Illinois Income Tax Act provides in pertinent part that "if a person other than a resident derives business income from this State and one or more other states, then, except as otherwise provided by this Section, such person's business income shall be apportioned to this State by multiplying the income by a fraction, the numerator of which is the sum



## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

of the property factor (if any), the payroll factor (if any), and 200% of the sales factor (if any) and the denominator of which is 4 reduced by the number of factors other than the sales factor which have a denominator of zero and by an additional 2 if the sales factor has a denominator of zero.

IT 94-0091 \$1.50 -General Information Letter: 08/09/1994 In situations not governed by Public Law 86-272, Illinois takes the position that a foreign corporation is subject to income taxation if any of its business or nonbusiness income is apportionable or allocable, in whole or in part, to Illinois under the provisions of Sections 301 through 304 of the Illinois Income Tax Act.

IT 94-0113 \$1.75 -General Information Letter: 09/27/1994 General discussion of nexus principles.

## REQUIREMENTS OF REQUESTS FOR PRIVATE LETTER RULINGS

IT 94-0094 \$3.25 -General Information Letter: 08/12/1994 Section 1200.100(a)(3) states that a private letter ruling will not be issued on alternative plans of proposed transactions or hypothetical situations.

## RETURNS - AMENDED RETURNS

IT 94-0110 \$1.25 -General Information Letter: 09/22/1994 Section 506(b) of the Illinois Income Tax Act provides that in the event of a federal change "...such persons shall notify the Department of such alteration. Such notification shall be in the form of an amended return or such other form as the Department may by regulations prescribe." The Department has not adopted regulations authorizing taxpayers to provide notification of federal changes in any form other than the filing of an amended return. Therefore, in order to properly provide notice of federal changes, taxpayers must file amended returns.

## RETURNS - REQUIREMENTS TO FILE

IT 94-0106 \$1.75 -Private Letter Ruling: 09/21/1994 Section 502(a) of the Illinois Income Tax Act provides that returns are required of every person for any taxable year for which such person is liable for a tax imposed under the Illinois Income Tax Act or, in the case of a corporation qualified to do business in this State, for which such person is required to make a federal income tax return. The Department ruled that in the particular situation described, the taxpayer is

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

not required to file an Illinois income tax return.

## RETURNS - OTHER RULINGS

(For Combined Unitary Return and Composite Return Rulings, See Those Headings)

IT 94-0080 \$1.25 -General Information Letter: 07/14/1994 Section 502(b) of the Illinois Income Tax Act provides that partnerships are required to maintain information concerning the names and addresses of all of the partners, or other persons who would be entitled to share in the base income of the partnership if distributed, and shall make that information available to the Department upon request.

## SUBTRACTION MODIFICATIONS - ENTERPRISE AND FOREIGN TRADE ZONES

IT 94-0084 \$1.50 - Private Letter Ruling: 07/18/1994 Based upon the information contained in the ruling request, the Department ruled that the dividends paid by the corporation qualify for the enterprise zone dividend subtraction authorized by Section 203(a)(2)(J) of the Illinois Income Tax Act.

IT 94-0085 \$1.50 - Private Letter Ruling: 07/18/1994 Based upon the information contained in the ruling request, the Department ruled that the dividends paid by the corporation qualify for the enterprise zone dividend subtraction authorized by Section 203(a)(2)(J) of the Illinois Income Tax Act.

## SUBTRACTION MODIFICATIONS - MILITARY

IT 94-0101 \$1.25 -General Information Letter: 09/09/1994: The Department has construed the subtraction modification found at ITRA Section 203(a)(2)(E) to include annuity payments under the Retired Serviceman's Family Protection Plan (RSFPP), the Survivor Benefit Plan (SBP) and the Supplemental Survivor Benefit Plan (SSBP).

IT 94-0102 \$1.25 -General Information Letter: 09/09/1994 Section 203(a)(2)(F) of the Illinois Income Tax Act provides a subtraction modification from adjusted gross income for distributions received from any retirement or disability plan for employees of any governmental agency if the distributions were included in the computation of federal adjusted gross income. Therefore, military retired pay or military disability retired pay is not subject to Illinois income taxation.

## TRUSTS

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

IT 94-0092 \$1.50 -General Information Letter: 08/10/1994 Section 1501(a)(20) provides the statutory definition of the term "resident". The definition of resident includes "an irrevocable trust, the grantor of which was domiciled in this State at the time such trust became irrevocable."

WITHHOLDING - RECIPROCAL AGREEMENTS

IT 94-0088 \$1.25 -General Information Letter: 07/22/1994 Illinois has reciprocal agreements with the States of Michigan, Indiana, Iowa, Kentucky and Wisconsin. The statutory basis of these agreements is Section 302(b) of the Illinois Income Tax Act.

WITHHOLDING - OTHER RULINGS

IT 94-0095 \$2.50 -General Information Letter: 08/31/1994 Response to a survey.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION  
TO EMERGENCY RULEMAKING

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

Heading of the Part: Pay Plan

Code Citation: 80 Ill. Adm. Code 310

Section Numbers: 310.290 310.450 310.490 310.530 310.540  
310.Appendix C 310.Appendix D 310.Appendix G

Date Originally Published in the Illinois Register: 9/23/94  
18 Ill Reg 14417

At its meeting on October 11, 1994, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommended that the Department take measures in the future to avoid promulgation of Pay Plan rules by means of emergency rulemaking, which, by the terms of the Illinois Administrative Procedure Act, is to be used only when a threat to the public interest, safety or welfare occurs.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION  
TO PROPOSED RULEMAKING

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

Heading of the Part: Homeowner Mortgage Revenue Bond Program

Code Citation: 47 Ill. Adm. Code 260

Section Numbers: 260.109

Date Originally Published in the Illinois Register: 6/3/94  
18 Ill Reg 8293

At its meeting on October 11, 1994, the Joint Committee on Administrative Rules objected to Section 260.109 of the above cited rulemaking because it allows the Authority to waive or vary rule requirements by resolution rather than rulemaking. Section 5-45 of the Illinois Administrative Procedure Act establishes emergency rulemaking procedures to allow agencies to respond to situations that constitute an immediate threat to public interest, safety or welfare. This procedure should be used by agencies that need to change their rules, not agency resolutions.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed to be a refusal to respond under the Administrative Procedure Act and shall constitute withdrawal of this proposed rulemaking.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of October 18, 1994 through October 24, 1994, and have been scheduled for review by the Committee at its November 15, 1994 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
12/1/94	Commissioner of Banks and Trust Companies, Unimpaired Capital and Unimpaired Surplus (38 Ill Adm Code 335)	9/2/94 18 Ill Reg 13169	11/15/94
12/1/94	Department of Public Aid, Refugee/Entrant/Refatriate Program (89 Ill Adm Code 115)	6/24/94 18 Ill Reg 9346	11/15/94



## PROCLAMATIONS

94-503

HISPANIC STATE EMPLOYEE DAY  
(Revised)

Whereas, Hispanics represent 904,000 or 7.9 percent of the Illinois population and by the year 2010, will be the largest minority group in the United States; and

Whereas, according to the Bureau of the Census, Illinois ranks among the top five states with a sizable Hispanic population; and

Whereas, state government is committed to providing services to the Hispanic population in the areas of education, housing, health, business, employment, and training opportunities; and

Whereas, the Illinois Association of Hispanic State Employees is sponsoring the 7th Annual Conference on Hispanic State Employment at the University of Illinois -- Chicago on October 14, 1994. The theme of this year's conference is "Hispanic State Employment and Services, Illusion of Inclusion: Meeting Unresolved Challenges;"

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 14, 1994, as HISPANIC STATE EMPLOYEE DAY in Illinois in recognition of the contributions Hispanic employees have made to the vitality and growth of our state.

Issued by the Governor October 7, 1994.

Filed with the Secretary of State October 13, 1994.

94-560

## COMMUNICATIONS DAY

Whereas, November 16th will mark the 20th annual luncheon meeting of Chicago Communications, a non-profit consortium of professional communications organizations; and

Whereas, Al Weisman was one of Chicago's best known and most respected communicators, dedicated to helping young people who aspire to join the communication ranks; and

Whereas, this annual luncheon raises money for the Albert P. Weisman Scholarship Fund at Columbia College to benefit outstanding students in communications; and

Whereas, the sponsoring organizations represent journalism, advertising, public relations, broadcasting, printing and photographic services, writing, and other communications arts; and

Whereas, those who engage in the various communication fields strive to share their knowledge and work toward the common goal of keeping our citizens informed;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 16, 1994, as COMMUNICATIONS DAY in Illinois, as a salute to those who seek to better themselves and their profession.

Issued by the Governor October 6, 1994.

Filed with the Secretary of State October 13, 1994.

Whereas, John Hultman and Felicia Middlebrooks have been waking Chicagoans with the latest news, traffic, weather, and information for the past 10 years; and

Whereas, John Hultman and Felicia Middlebrooks have the longest tenure of any radio team currently on the Chicago airwaves; and

Whereas, John Hultman and Felicia Middlebrooks have provided valuable service to the people of Illinois by keeping them up to date during times of emergency and crisis; and

Whereas, John Hultman and Felicia Middlebrooks unselfishly represent WBBM at community events and on behalf of charitable organizations; and

Whereas, more than one million Illinois residents have come to depend on John Hultman and Felicia Middlebrooks to start their day;

Therefore, I, Jim Edgar, Governor of the State of Illinois, recognize John Hultman and Felicia Middlebrooks on October 6, 1994, for their hard work and dedication to WBBM and the citizens of Chicago.

Issued by the Governor October 6, 1994.

Filed with the Secretary of State October 13, 1994.

94-562

## SHOOTING STARS DRILL TEAM DAY

Whereas, the Shooting Stars Drill Team from Edwardsville, Illinois, has achieved excellence in their field through many hours of hard work and dedication; and

Whereas, the drill team has captured three consecutive Illinois State Fair Junior Drill Team Championships and the Junior Color Guard has captured two consecutive championships, the most recent being August 14, 1994; and

Whereas, the drill team was also awarded the AMVET'S Trophy for "Highest Scoring Junior Drill Team" and the Illinois Marine Corps League Trophy for the "Highest Scoring Drill Team" overall; and

Whereas, the team is sponsored by the American Legion Post 199 and directed by Barbara Brandt;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 6, 1994, as SHOOTING STARS DRILL TEAM DAY in Illinois in recognition of their hard work and success.

Issued by the Governor October 6, 1994.

Filed with the Secretary of State October 13, 1994.

94-563

## CONSUMERS WEEK

Whereas, we live in the most prosperous nation in the world, with an unequalled availability of goods and services and where an effective and efficient system of commerce depends on an informed and educated public; and

Whereas, marketplace fraud is estimated to cost United States consumers at least \$40 billion each year, despite major efforts by law enforcement agencies to stop it; and

Whereas, through cooperation among consumers, business, and government, we can provide educational opportunities to improve consumer skills and awareness; and

Whereas, the United States Office of Consumer Affairs is coordinating the observance of National Consumers Week October 23- 29 with "Know Your Consumer Rights" as its theme;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 23-29, 1994, as CONSUMERS WEEK in Illinois in conjunction with the national observance.

Issued by the Governor October 7, 1994.

Filed with the Secretary of State October 13, 1994.

94-564

## FELLOWSHIP MISSIONARY BAPTIST CHURCH DAYS

Whereas, the Fellowship Missionary Baptist Church is celebrating their church and its founder and pastor, Reverend Clay Evans, 44th anniversary on Wednesday, October 12-16, 1994; and

Whereas, the Reverend Clay Evans was ordained as a Baptist minister in 1950 and has studied at a number of prestigious schools; and

Whereas, the Reverend Evans has been responsible for helping launch the ministerial careers of 81 persons and he has been a leader in the Civil Rights Movement since 1965. He was the founding National Board Chairman of Operation Push for five years (1971-1976) and currently serves as Chairman Emeritus. He is founding president of the Broadcast Ministries Alliance of Chicago, founding president of the African American Religious Connection and Trustee Board Chairman of the Chicago Baptist Institute. The Reverend has also served on the boards of a number of other worthwhile organizations; and

Whereas, an autobiography, "From Plough Handle to Pulpit" was published in 1982 and has sold thousands; and

Whereas, the Fellowship Missionary Baptist Church, referred to as "The Ship", gives God the praise;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 12-16, 1994, as FELLOWSHIP MISSIONARY BAPTIST CHURCH DAYS in Illinois.

Issued by the Governor October 7, 1994.

Filed with the Secretary of State October 13, 1994.

94-565

## GFWC ILLINOIS JUNIOR WEEK

Whereas, the General Federation of Women's Clubs (GFWC) unites over 10 million women in more than 36 countries to promote their common interests in education, public welfare, moral values, civics, and fine arts; and

Whereas, since 1890, GFWC has been instrumental in achieving countless reforms, including the eight-hour work day, the first federal child labor law, and the Pure Food and Drug Act; and

Whereas, GFWC Illinois Federation of Women's Clubs Junior Organization is an all volunteer, non-profit organization that donates time and money throughout our state. In 1992, more than 3,700 members of the Junior Organization, working in 118 local clubs, donated more than 546,000 volunteer hours and more than \$1,150,000;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 9-15, 1994, as GFWC ILLINOIS JUNIOR WEEK in the State of Illinois, in appreciation of the services the dedicated volunteers of this organization provide for our citizens.

Issued by the Governor October 7, 1994.

Filed with the Secretary of State October 13, 1994.

94-566

## METRIC WEEK

Whereas, the Metric Conversion Act of 1975 established a national policy of coordinating and planning increased voluntary usage of the entire metric system in the United States; and

Whereas, the United States Metric Association is a nonprofit organization dedicated to helping the American people, industry, and government adopt the international metric system as their primary means of measurement; and

Whereas, the United States has taken many important steps toward metrification, including requiring metric labeling on all consumer packaging; and

Whereas, the Goals 2000 bill has passed Congress and been signed into law, which stipulates for the first time that SI metric should be taught in all science and math classes in the United States; and

Whereas, metric construction in excess of \$9 billion is now taking place in the United States; and

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 9-15, 1994, as METRIC WEEK in Illinois and urge citizens to use the metric system whenever possible.

Issued by the Governor October 7, 1994.

Filed with the Secretary of State October 13, 1994.

94-567

## NICKEL PLATE ROAD WEEKEND

Whereas, what was to become the Nickel Plate Road (NKP) was originally part of the Grand Trunk Narrow Gauge linking Toledo, Ohio, to Laredo, Texas, and Mexico City; and

Whereas, the Cloverleaf Division of the Nickel Plate Road provided a source of commerce, communication, express, freight, and transportation for countless people in hundreds of communities between Toledo and St. Louis; and

Whereas, the NKP provided jobs for hundreds of agents, brakemen, conductors, electricians, engineers, firemen, maintenance of way laborers, operators, porters, signalmen, telegraphers, and other skilled union crafts along its route; and

Whereas, the New York, Chicago & St. Louis Railroad Company merged with the Norfolk & Western Railway Company on October 16, 1964; and

Whereas, Charleston and Madison, Illinois, join with family and friends of all persons associated with the NKP, N&W, and its successor, Norfolk Southern, commemorating the 30th anniversary of its merger;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 15-16, 1994, as NICKEL PLATE ROAD WEEKEND in Illinois and I encourage all citizens to reflect upon the railroad's contribution to their individual heritage and the heritage of their community.

Issued by the Governor October 7, 1994.

Filed with the Secretary of State October 13, 1994.

94-568

## OSTEOPATHIC MEDICINE WEEK

Whereas, for more than 100 years, the osteopathic medical profession has been dedicated to preserving good health for all Americans; and

Whereas, osteopathic health care is a distinctive branch of mainstream medical care, and Illinois Doctors of Osteopathy are fully licensed physicians



who stress the unity of all body systems and emphasize the importance of the musculoskeletal system; and

Whereas, osteopathic physicians and hospitals are concerned with meeting the health needs of the whole person and the whole family and offer preventive medical services; and

Whereas, we should recognize the need for the latest technology and for caring physicians committed to family practice, modern health care, and the entire person in treating illnesses;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 9-15, 1994 as OSTEOPATHIC MEDICINE WEEK in Illinois, in accordance with the national observance.

Issued by the Governor October 7, 1994.

Filed with the Secretary of State October 13, 1994.

94-569

## SECOND BAPTIST CHURCH DAY

Whereas, the Second Baptist Church, Inc. of Galesburg, Illinois, is celebrating 130 proud years of history; and

Whereas, the Second Baptist Church began in the fall of 1864 with a small group of people in the Galesburg vicinity and was known as the First Colored Baptist Church of Galesburg; and

Whereas, in October 1965 the church, desiring a larger fellowship, decided to reorganize and invited the Rev. J.W. Jackson of Jacksonville to assist them in the organization of the Second Baptist Church; and

Whereas, the church was determined to deepen their roots in the community and entered into a contract to buy the present site on which the congregation still worships; and

Whereas, under the leadership of John C. Graves, the building was remodeled and the membership increased to 97 by 1879 and has continued to flourish;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 9, 1994, as SECOND BAPTIST CHURCH DAY in Illinois and wish them continued success.

Issued by the Governor October 7, 1994.

Filed with the Secretary of State October 13, 1994.

94-570

## WOMEN IN COMMUNITY SERVICE DAY

Whereas, Women in Community Service (WICS) is a private, non-profit corporation sponsored by a coalition of five major national women's groups; and

Whereas, WICS was incorporated in 1964 and, through combined coalition membership, represents approximately 27 million women; and

Whereas, WICS volunteers come from various faiths, ethnic origins, and races; and

Whereas, WICS volunteers and/or staff are located in all 50 states, Puerto Rico, and the Virgin Islands; and

Whereas, WICS is dedicated to helping young, low-income women break the cycle of poverty and empower themselves; and

Whereas, these volunteers provide assistance to Chicago's at-risk women in the areas of housing, transportation, budget planning, citizenship, education, training, job placement, mentoring, emergency, and community

services; and

Whereas, annually WICS volunteers provide assistance, counseling, and guidance to more than 1,200 disadvantaged young women in the Chicago area, 4,800 region-wide, and 22,000 nationally; and

Whereas, WICS volunteers and staff facilitate a variety of workshops, addressing critical issues such as sexual harassment, self-esteem, parenting, and workplace etiquette specifically designed to prepare Chicago's at-risk women for the workplace;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 13, 1994, as WOMEN IN COMMUNITY SERVICE DAY in Illinois in honor of WICS' 30th anniversary.

Issued by the Governor October 7, 1994.

Filed with the Secretary of State October 13, 1994.

94-571

## CHILD HEALTH MONTH

Whereas, violence is increasingly viewed as a major U.S. public health problem, affecting millions of children and their families each year; and

Whereas, the causes of violent behavior are many and complex; and

Whereas, American TV and movies are the most violent in the world, and more than 1,000 studies have shown a relationship between repeated exposure to media violence and the likelihood of aggressive behavior in children; and

Whereas, firearms play a major role in violent deaths and injuries among children and adolescents, and every two hours in the United States a child is killed with a gun; and

Whereas, in 1993 child abuse resulted in the deaths of 1,299 U.S. children -- 86 percent were younger than five-years-old and 46 percent were younger than one year -- and overall, close to three million children were reported to authorities as suspected victims of abuse and/or neglect; and

Whereas, research suggests there is a continuum of violence that extends from being a child victim to becoming an adult offender; and

Whereas, preventing a violent injuries to children should emphasize changing the environments in which violent injuries occur; and

Whereas, everyone needs to take responsibility for the safety and well-being of children by modeling nonviolent, problem-solving behaviors, removing firearms from places where children live and play, and limiting the amount of television children watch daily; and

Whereas, children are the future -- our future;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1994 as CHILD HEALTH MONTH in Illinois and call upon all citizens to join pediatricians, health care providers, children's hospitals, child advocacy and protection organizations, businesses, and schools in observance of the month with appropriate programs and activities.

Issued by the Governor October 11, 1994.

Filed with the Secretary of State October 13, 1994.

94-572

## MICHAEL JORDAN FOUNDATION DAY

Whereas, Michael Jordan created the Michael Jordan Foundation in 1990 as a means of repaying the community and helping those who are less fortunate; and

Whereas, the inaugural Michael Jordan Foundation Gala Dinner is being held



the Midwest, the State of Illinois, and the City of Chicago.  
Issued by the Governor October 11, 1994.  
Filed with the Secretary of State October 13, 1994.

November 12, 1994, at the Hotel Nikko in Chicago; and  
Whereas, celebrities from the sports world will attend the charity

event; and  
Whereas, proceeds from the dinner will benefit the Chicago Commons, Chicago Wheelchair Bulls, Chicago Abused Women Coalition, Chicago Children's Museum, Child Abuse Prevention Services, The Children's Place, Community Youth Creative Learning Experience, El Valor, Esperanza Community Services, Family Focus, the Goodman Theatre, Hailes Franciscan High School, Edward Hartigan Elementary School, Henry Booth House, Illinois Special Olympics, Livingstone College, Make-A-Wish Foundation, Marklund Children's Home, Midwest Association for Sickle Cell Anemia, Midtown Educational Foundation, New Concepts Development Center, Olive-Harvey Middle College, the Parenting Institute, Providence St. Mel School, Ronald McDonald Houses, Rosaland Training Center, Saint Augustine's College, St. Gregory Episcopal School, St. Jude Children's Hospital, the Starlight Foundation, Variety Club of Illinois, Xavier University, Youth Service Project, Inc., Big Brothers/Big Sisters of Beaufort County, Boys & Girls Club of Lowcountry, Child Abuse Prevention Association, the Children's Center, Inc., the First Presbyterian Day School, Hilton Head High School, Hilton Head Island Deep Week Project, Hilton Head Hospital, Literacy Volunteers of the Lowcountry, Muscular Dystrophy Association, Low Country Human Development Center, Inc., North Carolina Cities in Schools, North Carolina Special Olympics, Sea Pines Montessori School, and the Foundation for the Multihandicapped, Blind & Deaf; and  
Whereas, the Michael Jordan Foundation also supports the Michael Jordan College Scholarship Program in North Carolina and the Ken Rosen Memorial Scholarship in Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim  
November 12, 1994, as THE MICHAEL JORDAN FOUNDATION DAY in Illinois.  
Issued by the Governor October 11, 1994.  
Filed with the Secretary of State October 13, 1994.

94-573  
MIDWEST AIKIDO CENTER DAY

Whereas, the martial art of Aikido was founded by Morihei Ueshiba in the early 20th century in Japan, based on his insight that it is not necessary to harm an attacker in order to subdue him; and  
Whereas, the martial art of Aikido is based on the principles of non-violence and non-competition, the quest to develop character, and the spirit of harmony and peace among all people; and

Whereas, Akira Tohei was sent to Illinois by Aikido World Headquarters in April 1972 to serve as chief instructor of Aikido for the City of Chicago and the midwestern region of the United States; and  
Whereas, the Midwest Aikido Center has grown to a membership of more than 100 students and the Midwest Aikido Federation now comprises more than 30 dojos and some 2,000 students in 10 states; and  
Whereas, in this current era, when it is more important than ever to find an answer to violence, meaninglessness, and the breakdown of ethical standards, the art of Aikido offers something of genuine value to the community in which it is practiced;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim  
December 15, 1994, as MIDWEST AIKIDO CENTER DAY in Illinois in celebration of the 20th anniversary of this institution which has so enriched the culture of

94-574  
MERCANTILE BUSINESS COALITION DAYS

Whereas, on Friday, October 14, Saturday, October 15, and Sunday, October 16, 1994, the Mercantile Business Coalition will host the Midwest Economic Summit at the Ramada Congress Hotel in Chicago, Illinois; and  
Whereas, the purpose of the summit is to provide new resources and facilitate the economic rebirth of minority business enterprises; and  
Whereas, minority-owned enterprises play an important role in building and sustaining a vibrant economy that benefits the community at large; and  
Whereas, participants in this summit should emerge with the information, motivation, and inspiration to make great strides toward our collective effort to become a more economically diverse and prosperous community; and

Whereas, Chicago has a reputation of being the country's Black Business Mecca, having pioneered the growth and development of Black-owned companies that lead the list of the Black Enterprise 100. The Mercantile Business Coalition's Economic Summit is continuing that noble tradition; and  
Whereas, the organization's structure and effort presents a shining example of what bootstrap capitalism can do; and  
Whereas, this kind of effort is encouraged locally and nationally as a means of regenerating blighted neighborhoods; and

Whereas, the Mercantile Business Coalition a non-profit organization was founded in February 1990 to create a synergy between the consumer and the minority business owners; and  
Whereas, the Coalition fosters small business visibility and viability by publicizing their products and services. The Coalition has a Junior Chapter comprised of youths age three to 19 years, a mentoring and an academic enrichment program;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim  
October 14-16, 1994, as MERCANTILE BUSINESS COALITION DAYS in Illinois.  
Issued by the Governor October 12, 1994.  
Filed with the Secretary of State October 13, 1994.

94-575  
SPIRIT OF LOVE DAY

Whereas, Little City Foundation, a nonsectarian, not-for-profit agency in Palatine, provides programs and services in education, employment, recreation, health, wellness, ability awareness, and residency to children and adults with mental retardation and other developmental challenges; and  
Whereas, Little City's 11th annual Spirit of Love dinner honors Adrienne Chunowitz, who has chaired the annual fund-raising dinner-dance for the Ronald McDonald House for 17 years; Desiree Rogers, director of the Illinois State Lottery; and Marion Simon, who established the Chicago Patient Representative Program, based on their outstanding professional and philanthropic contribution to the community; and

Whereas, the proceeds from the Spirit of Love dinner benefit the Karyn Kupciet Center of Little City Foundation, which is used for physical therapy and physical conditioning for program participants, as well as the outside

community;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 21, 1994, as SPIRIT OF LOVE DAY in Illinois.

Issued by the Governor October 12, 1994.

Filed with the Secretary of State October 13, 1994.

ACTION CODES	
A - Adopted Rule	P - Proposed Rule
AR - Adopted Repealer	PF - Prohibited Filing Order by JCAR*
C - Notice of Corrections	PP - Peremptory or Court Ordered Rules
CC - Codification Changes	PR - Proposed Repealer
E - Emergency Rule	R - Refusal to meet JCAR* Objection
ER - Emergency Repealer	RC - Statement of Recommendation
M - Modification to meet JCAR*	S - Suspension ordered by JCAR*
O - JCAR* Statement of Objections	W - Withdrawal to meet JCAR*
RQ - Request for Correction	Objections
EC - Expedited Corrections	MR - Modification and Refusal
*Joint Committee on Administrative Rules	

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-7017.

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(E-5355) (P-5027) (A-13375)
- 89 Ill. Adm. Code 260  
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Demonstration Program (P-3802; A-9895)
- 89 Ill. Adm. Code 230  
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- 8 Ill. Adm. Code 110  
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- 8 Ill. Adm. Code 25  
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- 8 Ill. Adm. Code 75  
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- 8 Ill. Adm. Code 257  
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- 8 Ill. Adm. Code 70  
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TYPE OF RULE MAKING

am = amend to existing Section  
cc = codification changes  
n = New section  
r = repeal of existing Section  
re = recodified  
# = renumbered

ACTION CODE

A = Adopted Rule  
E = Emergency  
P = Proposed Rule  
PP = Peremptory  
M = Modification  
W = Withdrawal  
CC = Codification Changes  
RQ = Request for Correction  
R = Refusal

PF = Prohibited Filing  
S = Suspension  
O = JCAR Objection  
F = Failure to Remedy Objections  
Object

RC = Recommendations  
EC = Expedited Correction  
C = Correction

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	100.680	am	(P-7087/A-13067)	220.300	am	(P-13307/93;A-4758)	
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	100.735	am	(P-7087/A-13067)	220.500	am	(P-13307/93;A-4758)	
	100.740	am	(P-7087/A-13067)	220.600	am	(P-13307/93;A-4758)	
	100.815	am	(P-7087/A-13067)	220.700	am	(P-13307/93;A-4758)	
	100.815	am	(P-7087/A-13067)	220.760	am	(P-13307/93;A-4758)	
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	100.1025	am	(P-7087/A-13067)	220.1000	am	(P-13307/93;A-4758)	
	100.1030	am	(P-7087/A-13067)	220.1150	am	(P-13307/93;A-4758)	
	100.1100	am	(P-7087/A-13067)	220.1200	am	(P-13307/93;A-4758)	
	100.1110	am	(P-7087/A-13067)	220.1250	am	(P-13307/93;A-4758)	
	100.1115	am	(P-7087/A-13067)	220.1300	am	(P-13307/93;A-4758)	
	100.1120	am	(P-7087/A-13067)	220.1350	am	(P-13307/93;A-4758)	
	100.1130	am	(P-7087/A-13067)	220.1400	am	(P-13307/93;A-4758)	
	100.1140	am	(P-7087/A-13067)	220.1450	am	(P-13307/93;A-4758)	
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	100.1210	am	(P-7087/A-13067)	220.1600	am	(P-13307/93;A-4758)	
	100.1210	am	(P-7087/A-13067)	220.1650	am	(P-13307/93;A-4758)	
	100.1210	am	(P-7087/A-13067)	220.1700	am	(P-13307/93;A-4758)	
	100.1210	am	(P-7087/A-13067)	220.1750	am	(P-13307/93;A-4758)	
	100.1210	am	(P-7087/A-13067)	220.1800	am	(P-13307/93;A-4758)	
	100.1210	am	(P-7087/A-13067)	220.1850	am	(P-13307/93;A-4758)	
	100.1210	am	(P-7087/A-13067)	220.1900	am	(P-13307/93;A-4758)	
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	100.1210	am	(P-7087/A-13067)	220.2000	am	(P-13307/93;A-4758)	
	100.1210	am	(P-7087/A-13067)	220.2050	am	(P-13307/93;A-4758)	
	100.1210	am	(P-7087/A-13067)	220.2100	am	(P-13307/93;A-4758)	
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	100.1210	am	(P-7087/A-13067)	220.2400	am	(P-13307/93;A-4758)	
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	100.1210	am	(P-7087/A-13067)	220.2600	am	(P-13307/93;A-4758)	
	100.1210	am	(P-7087/A-13067)	220.2650	am	(P-13307/93;A-4758)	
	100.1210	am	(P-7087/A-13067)	220.2700	am	(P-13307/93;A-4758)	
	100.1210	am	(P-7087/A-13067)	220.2750	am	(P-13307/93;A-4758)	

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230.1000	am	(P-1322/93;A-1233)	260.1000	am		926.230	am	(P-512)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		926.231	am	(P-512)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		926.235	am	(P-512)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		926.236	am	(P-512)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		926.240	am	(P-512)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		926.250	am	(P-512)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		926.260	am	(P-512)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		926.270	am	(P-512)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		926.280	am	(P-512)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		926.290	am	(P-512)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		1720.200	am	(P-13448)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		1720.210	am	(A-13448)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		1720.310	am	(A-13448)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		1720.320	am	(A-13448)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		1720.330	am	(A-13448)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		1720.370	am	(A-13448)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2050.20	am	(A-6015)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2050.30	am	(A-6015)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2050.110	am	(A-6015)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.10	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.20	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.30	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.40	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.50	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.60	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2360.70	am	(A-6684)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2360.80	am	(A-6684)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2360.90	am	(A-6684)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2360.100	am	(A-6684)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.110	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.120	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.200	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.210	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.220	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.230	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.240	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.250	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.260	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.270	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.280	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.290	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.300	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.310	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.320	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.330	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.340	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.350	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.360	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.370	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.380	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.390	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.400	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.410	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.420	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.430	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.440	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.450	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.460	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.470	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.480	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.490	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.500	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.510	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.520	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.530	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.540	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.550	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.560	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.570	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.580	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.590	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.600	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.610	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.620	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.630	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.640	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.650	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.660	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.670	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.680	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.690	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.700	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.710	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.720	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.730	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.740	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.750	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.760	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.770	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.780	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.790	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.800	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.810	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.820	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.830	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.840	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.850	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.860	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.870	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.880	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.890	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.900	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.910	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.920	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.930	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.940	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.950	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.960	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.970	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.980	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2950.990	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2951.000	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2951.010	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2951.020	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2951.030	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2951.040	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2951.050	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2951.060	am	(A-5889)
230.1000	am	(P-1322/93;A-1233)	260.1000	am		2951.070	am	(A-5889)









[illegible]



## (Title 32, cont.)

350 Ap.B	n	(P-13882/93.A-2263)	505 60	n	(P-15220/93.A-2317)	107 123	n	(P-11427)	201 166	#	(P-8347.A-15760)	211 7050	n	(P-12491/93.A-1253)	218 766	n	(P-9242)
350 Ap.C	n	(P-13882/93.A-2263)	505 70	n	(P-15220/93.A-2317)	107 124	n	(P-11427)	201 167	#	(P-8347.A-15760)	211 7400	n	(P-15192)	218 768	n	(P-9242)
351 10	am	(P-8674/93.A-3344)	505 80	n	(P-15220/93.A-2317)	107 140	n	(P-11427)	201 168	#	(P-8347.A-15760)	212 113	am	(P-967.A-11587)	218 770	n	(P-9242)
351 25	n	(P-8674/93.A-3344)	505 82	n	(P-15220/93.A-2317)	107 160	n	(P-11427)	201 207	n	(P-8347.A-15760)	212 700	n	(P-967.A-11587)	218 920	am	(P-12491/93.A-1945)
351 40	am	(P-8674/93.A-3344)	505 84	n	(P-15220/93.A-2317)	107 180	n	(P-11427)	201 208	n	(P-8347.A-15760)	212 701	n	(P-967.A-11587)	218 922	am	(P-9242)
351 1010	am	(P-8674/93.A-3344)	505 86	n	(P-15220/93.A-2317)	107 181	n	(P-11427)	201 209	n	(P-8347.A-15760)	212 702	n	(P-967.A-11587)	218 923	r	(P-12491/93.A-1945)
351 1060	am	(P-8674/93.A-3344)	505 90	n	(P-15220/93.A-2317)	107 200	n	(P-11427)	201 210	n	(P-8347.A-15760)	212 703	n	(P-967.A-11587)	218 924	am	(P-12491/93.A-1945)
351 1080	am	(P-8674/93.A-3344)	505 100	n	(P-15220/93.A-2317)	107 201	n	(P-11427)	201 212	n	(P-8347.A-15760)	212 704	n	(P-967.A-11587)	218 940	am	(P-9242)
351 1090	am	(P-8674/93.A-3344)	505 110	n	(P-15220/93.A-2317)	107 202	n	(P-11427)	201 302	am	(P-7635.A-15002)	218 101	am	(P-9242)	218 943	r	(P-12491/93.A-1945)
351 1090	am	(P-8674/93.A-3344)	505 120	n	(P-15220/93.A-2317)	107 220	n	(P-11427)	203 208	am	(P-7635.A-15002)	218 106	am	(P-9242)	218 946	am	(P-12491/93.A-1945)
351 1090	am	(P-8674/93.A-3344)	505 130	n	(P-15220/93.A-2317)	107 221	n	(P-11427)	203 209	am	(P-7635.A-15002)	218 107	am	(P-9242)	218 947	am	(P-12491/93.A-1945)
351 1090	am	(P-8674/93.A-3344)	505 140	n	(P-15220/93.A-2317)	107 222	n	(P-11427)	211 270	am	(P-8331.A-15744)	218 108	am	(P-9242)	218 960	am	(P-12491/93.A-1945)
351 2010	am	(P-8674/93.A-3344)	505 150	n	(P-15220/93.A-2317)	107 223	n	(P-11427)	211 271	am	(P-8331.A-15744)	218 112	am	(P-9242)	218 961	am	(P-12491/93.A-1945)
351 2020	am	(P-8674/93.A-3344)	505 160	n	(P-15220/93.A-2317)	107 224	n	(P-11427)	211 670	am	(P-15192)	218 114	am	(P-12491/93.A-1945)	218 966	r	(P-12491/93.A-1945)
351 2030	am	(P-8674/93.A-3344)	505 170	n	(P-15220/93.A-2317)	107 225	n	(P-11427)	211 671	am	(P-15192)	218 115	am	(P-12491/93.A-1945)	218 967	am	(P-12491/93.A-1945)
351 2030	am	(P-8674/93.A-3344)	505 180	n	(P-15220/93.A-2317)	107 226	n	(P-11427)	211 672	am	(P-15192)	218 116	am	(P-12491/93.A-1945)	218 968	am	(P-12491/93.A-1945)
351 2030	am	(P-8674/93.A-3344)	505 190	n	(P-15220/93.A-2317)	107 227	n	(P-11427)	211 673	am	(P-15192)	218 117	am	(P-12491/93.A-1945)	218 969	am	(P-12491/93.A-1945)
351 3040	am	(P-8674/93.A-3344)	505 1000	n	(P-15220/93.A-2317)	107 228	n	(P-11427)	211 820	n	(P-15192)	218 119	n	(P-10549)	218 980	am	(P-12491/93.A-1945)
351 3040	am	(P-8674/93.A-3344)	505 1100	n	(P-15220/93.A-2317)	107 229	n	(P-11427)	211 821	n	(P-15192)	218 120	n	(P-10549)	218 981	am	(P-12491/93.A-1945)
351 4010	am	(P-8674/93.A-3344)	505 1200	n	(P-15220/93.A-2317)	107 240	n	(P-11427)	211 1070	n	(P-12491/93.A-1253)	218 121	am	(P-10549)	218 982	r	(P-12491/93.A-1945)
351 4020	am	(P-8674/93.A-3344)	505 1300	n	(P-15220/93.A-2317)	107 241	n	(P-11427)	211 1071	n	(P-12491/93.A-1253)	218 122	am	(P-10549)	218 983	am	(P-12491/93.A-1945)
351 4030	am	(P-8674/93.A-3344)	505 1400	n	(P-15220/93.A-2317)	107 242	n	(P-11427)	211 1072	n	(P-12491/93.A-1253)	218 123	am	(P-10549)	218 984	am	(P-12491/93.A-1945)
351 5010	am	(P-8674/93.A-3344)	505 1500	n	(P-15220/93.A-2317)	107 243	n	(P-11427)	211 1880	n	(P-15192)	218 124	n	(P-10549)	218 985	am	(P-12491/93.A-1945)
351 5010	am	(P-8674/93.A-3344)	505 1600	n	(P-15220/93.A-2317)	107 244	n	(P-11427)	211 1900	n	(P-15192)	218 125	n	(P-10549)	218 986	am	(P-12491/93.A-1945)
351 5010	am	(P-8674/93.A-3344)	505 1700	n	(P-15220/93.A-2317)	107 245	n	(P-11427)	211 1920	n	(P-8331.A-15744)	218 126	n	(P-10549)	218 987	am	(P-12491/93.A-1945)
351 5010	am	(P-8674/93.A-3344)	505 1800	n	(P-15220/93.A-2317)	107 246	n	(P-11427)	211 2030	n	(P-8331.A-15744)	218 127	n	(P-10549)	218 988	am	(P-12491/93.A-1945)
351 5010	am	(P-8674/93.A-3344)	505 1900	n	(P-15220/93.A-2317)	107 247	n	(P-11427)	211 2230	n	(P-15192)	218 128	am	(P-10549)	218 989	am	(P-12491/93.A-1945)
351 5010	am	(P-8674/93.A-3344)	505 2000	n	(P-15220/93.A-2317)	107 248	n	(P-11427)	211 2230	n	(P-15192)	218 129	am	(P-10549)	218 990	am	(P-12491/93.A-1945)
351 5010	am	(P-8674/93.A-3344)	505 2100	n	(P-15220/93.A-2317)	107 249	n	(P-11427)	211 2365	n	(P-15192)	218 130	am	(P-10549)	218 991	am	(P-12491/93.A-1945)
351 5010	am	(P-8674/93.A-3344)	505 2200	n	(P-15220/93.A-2317)	107 250	n	(P-11427)	211 2365	n	(P-15192)	218 131	am	(P-10549)	218 992	am	(P-12491/93.A-1945)
351 5010	am	(P-8674/93.A-3344)	505 2300	n	(P-15220/93.A-2317)	107 260	n	(P-11427)	211 2610	n	(P-12491/93.A-1253)	218 132	n	(P-10549)	218 993	am	(P-12491/93.A-1945)
351 5010	am	(P-8674/93.A-3344)	505 2400	n	(P-15220/93.A-2317)	107 300	n	(P-11427)	211 2630	n	(P-15192)	218 133	n	(P-10549)	218 994	am	(P-12491/93.A-1945)
351 5010	am	(P-8674/93.A-3344)	505 2500	n	(P-15220/93.A-2317)	107 301	n	(P-11427)	211 3400	n	(P-9228)	218 134	am	(P-10549)	218 995	am	(P-12491/93.A-1945)
351 5010	am	(P-8674/93.A-3344)	505 2600	n	(P-15220/93.A-2317)	107 302	n	(P-11427)	211 3400	n	(P-9228)	218 135	am	(P-10549)	218 996	am	(P-12491/93.A-1945)
351 5010	am	(P-8674/93.A-3344)	505 2700	n	(P-15220/93.A-2317)	107 340	n	(P-11427)	211 3620	am	(P-8331.A-15744)	218 136	n	(P-10549)	218 997	am	(P-12491/93.A-1945)
351 5010	am	(P-8674/93.A-3344)	505 2800	n	(P-15220/93.A-2317)	107 341	n	(P-11427)	211 3620	am	(P-8331.A-15744)	218 137	n	(P-10549)	218 998	am	(P-12491/93.A-1945)
351 5010	am	(P-8674/93.A-3344)	505 2900	n	(P-15220/93.A-2317)	107 342	n	(P-11427)	211 3650	am	(P-9228)	218 138	n	(P-10549)	218 999	am	(P-12491/93.A-1945)
351 5010	am	(P-8674/93.A-3344)	505 3000	n	(P-15220/93.A-2317)	107 360	n	(P-11427)	211 3650	am	(P-9228)	218 139	n	(P-10549)	219 000	am	(P-12491/93.A-1945)
351 5010	am	(P-8674/93.A-3344)	505 3100	am	(P-10519)	107 361	am	(P-11427)	211 3950	n	(P-10536)	218 140	am	(P-15211)	219 001	am	(P-15211)
351 5010	am	(P-8674/93.A-3344)	505 3200	am	(P-10524)	107 362	am	(P-11427)	211 3970	am	(P-9228)	218 141	am	(P-15211)	219 002	am	(P-15211)
351 5010	am	(P-8674/93.A-3344)	505 3300	am	(P-10524)	184 101	am	(P-4)	211 3990	am	(P-9228)	218 142	am	(P-15211)	219 003	am	(P-15211)
351 5010	am	(P-8674/93.A-3344)	505 3400	am	(P-10524)	184 102	am	(P-4)	211 4055	am	(P-15192)	218 143	am	(P-15211)	219 004	am	(P-15211)
351 5010	am	(P-8674/93.A-3344)	505 3500	am	(P-10524)	184 103	am	(P-4)	211 4130	am	(P-10536)	218 144	am	(P-15211)	219 005	am	(P-15211)
351 5010	am	(P-8674/93.A-3344)	505 3600	am	(P-10524)	184 104	am	(P-4)	211 4260	am	(P-8331.A-15744)	218 145	am	(P-15211)	219 006	am	(P-15211)
351 5010	am	(P-8674/93.A-3344)	505 3700	am	(P-10524)	184 105	am	(P-4)	211 4740	n	(P-15192)	218 146	am	(P-15211)	219 007	am	(P-15211)
351 5010	am	(P-8674/93.A-3344)	505 3800	am	(P-10524)	184 106	am	(P-4)	211 4830	n	(P-12491/93.A-1253)	218 147	am	(P-15211)	219 008	am	(P-15211)
351 5010	am	(P-8674/93.A-3344)	505 3900	am	(P-10524)	184 201	am	(P-4)	211 4830	n	(P-12491/93.A-1253)	218 148	am	(P-15211)	219 009	am	(P-15211)
351 5010	am	(P-8674/93.A-3344)	505 4000	am	(P-10524)	184 202	am	(P-4)	211 4970	n	(P-12491/93.A-1253)	218 149	am	(P-15211)	219 010	am	(P-15211)
351 5010	am	(P-8674/93.A-3344)	505 4100	am	(P-10524)	184 203	am	(P-4)	211 5060	n	(P-7589.A-14962)	218 150	am	(P-15211)	219 011	am	(P-15211)
351 5010	am	(P-8674/93.A-3344)	505 4200	am	(P-10524)	184 204	am	(P-4)	211 5065	n	(P-15192)	218 151	am	(P-15211)	219 012	am	(P-15211)
351 5010	am	(P-8674/93.A-3344)	505 4300	am	(P-10524)	184 205	am	(P-4)	211 5340	n	(P-8331.A-15744)	218 152	am	(P-15211)	219 013	am	(P-15211)
351 5010	am	(P-8674/93.A-3344)	505 4400	am	(P-10524)	184 206	am	(P-4)	211 5340	n	(P-8331.A-15744)	218 153	am	(P-15211)	219 014	am	(P-15211)
351 5010	am	(P-8674/93.A-3344)	505 4500	am	(P-10524)	184 207	am	(P-4)	211 5340	n	(P-8331.A-15744)	218 154	am	(P-15211)	219 015	am	(P-15211)
351 5010	am	(P-8674/93.A-3344)	505 4600	am	(P-10524)	184 208	am	(P-4)	211 5340	n	(P-8331.A-15744)	218 155	am	(P-15211)	219 016	am	(P-15211)
351 5010	am	(P-8674/93.A-3344)	505 4700	am	(P-10524)	184 209	am	(P-4)	211 5340	n	(P-8331.A-15744)	218 156	am	(P-15211)	219 017	am	(P-15211)
351 5010	am	(P-8674/93.A-3344)	505 4800	am	(P-10524)	184 210	am	(P-4)	211 5340	n	(P-8331.A-15744)	218 157	am	(P-15211)	219 018	am	(P-15211)
351 5010	am	(P-8674/93.A-3344)	505 4900	am	(P-10524)	184 211	am	(P-4)	211 5340	n	(P-8331.A-15744)	218 158	am	(P-15211)	219 019	am	(P-15211)
351 5010	am	(P-8674/93.A-3344)	505 5000	am	(P-10524)	184 212	am	(P-4)	211 5340	n	(P-8331.A-15744)	218 159	am	(P-15211)	219 020	am	(P-15211)
351 5010	am	(P-8674/93.A-3344)	505 5100	am	(P-10524)	184 213	am	(P-4)	211 5340	n	(P-8331.A-15744)	218 160	am	(P-15211)	219 021	am	(P-15211)
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725 662	am	(P-388-A-6799)	am	(C-5013)	739 191	am	(P-455-A-6931)
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725 667	am	(P-388-A-6799)	am	(C-5013)	739 196	am	(P-455-A-6931)
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725 673	am	(P-388-A-6799)	am	(C-5013)	739 202	am	(P-455-A-6931)
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725 681	am	(P-388-A-6799)	am	(C-5013)	739 210	am	(P-455-A-6931)
725 682	am	(P-388-A-6799)	am	(C-5013)	739 211	am	(P-455-A-6931)
725 683	am	(P-388-A-6799)	am	(C-5013)	739 212	am	(P-455-A-6931)
725 684	am	(P-388-A-6799)	am	(C-5013)	739 213	am	(P-455-A-6931)
725 685	am	(P-388-A-6799)	am	(C-5013)	739 214	am	(P-455-A-6931)
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725 694	am	(P-388-A-6799)	am	(C-5013)	739 223	am	(P-455-A-6931)
725 695	am	(P-388-A-6799)	am	(C-5013)	739 224	am	(P-455-A-6931)
725 696	am	(P-388-A-6799)	am	(C-5013)	739 225	am	(P-455-A-6931)
725 697	am	(P-388-A-6799)	am	(C-5013)	739 226	am	(P-455-A-6931)
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725 700	am	(P-388-A-6799)	am	(C-5013)	739 229	am	(P-455-A-6931)
725 701	am	(P-388-A-6799)	am	(C-5013)	739 230	am	(P-455-A-6931)
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725 703	am	(P-388-A-6799)	am	(C-5013)	739 232	am	(P-455-A-6931)
725 704	am	(P-388-A-6799)	am	(C-5013)	739 233	am	(P-455-A-6931)
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725 715	am	(P-388-A-6799)	am	(C-5013)	739 244	am	(P-455-A-6931)
725 716	am	(P-388-A-6799)	am	(C-5013)	739 245	am	(P-455-A-6931)
725 717	am	(P-388-A-6799)	am	(C-5013)	739 246	am	(P-455-A-6931)
725 718	am	(P-388-A-6799)	am	(C-5013)	739 247	am	(P-455-A-6931)
725 719	am	(P-388-A-6799)	am	(C-5013)	739 248	am	(P-455-A-6931)
725 720	am	(P-388-A-6799)	am	(C-5013)	739 249	am	(P-455-A-6931)
725 721	am	(P-388-A-6799)	am	(C-5013)	739 250	am	(P-455-A-6931)
725 722	am	(P-388-A-6799)	am	(C-5013)	739 251	am	(P-455-A-6931)
725 723	am	(P-388-A-6799)	am	(C-5013)	739 252	am	(P-455-A-6931)
725 724	am	(P-388-A-6799)	am	(C-5013)	739 253	am	(P-455-A-6931)
725 725	am	(P-388-A-6799)	am	(C-5013)	739 254	am	(P-455-A-6931)
725 726	am	(P-388-A-6799)	am	(C-5013)	739 255	am	(P-455-A-6931)
725 727	am	(P-388-A-6799)	am	(C-5013)	739 256	am	(P-455-A-6931)
725 728	am	(P-388-A-6799)	am	(C-5013)	739 257	am	(P-455-A-6931)
725 729	am	(P-388-A-6799)	am	(C-5013)	739 258	am	(P-455-A-6931)
725 730	am	(P-388-A-6799)	am	(C-5013)	739 259	am	(P-455-A-6931)
725 731	am	(P-388-A-6799)	am	(C-5013)	739 260	am	

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(Title 77, cont.)

615 210	r	(P-17798/93.A.4320)	am	(P-14308)	am	680 325	n	(P-1691.A-10158)	
615 220	n	(P-17798/93.A.4320)	am	(P-12228/93.A.2450)	am	690 330	am	(P-1691.A-10158)	
615 230	n	(P-17798/93.A.4320)	am	(E-13125/P.14308)	am	690 350	am	(P-1691.A-10158)	
615 300	n	(P-17798/93.A.4320)	am	(P-12228/93.A.2450)	am	690 365	n	(P-1691.A-10158)	
615 310	r	(P-17741/93.A.4317)	am	(P-14308)	am	690 370	am	(P-1691.A-10158)	
615 320	n	(P-17798/93.A.4320)	am	(P-12228/93.A.2450)	am	690 380	n	(P-1691.A-10158)	
615 330	n	(P-17741/93.A.4317)	am	(P-14308)	am	690 400	am	(P-1691.A-10158)	
615 340	n	(P-17798/93.A.4320)	am	(P-12228/93.A.2450)	am	690 410	am	(P-1691.A-10158)	
615 350	n	(P-17741/93.A.4317)	am	(P-14308)	am	690 420	am	(P-1691.A-10158)	
615 360	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 450	am	(P-1691.A-10158)	
615 370	n	(P-17741/93.A.4317)	am	(E-13125/P.14308)	am	690 460	am	(P-1691.A-10158)	
615 380	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 475	am	(P-1691.A-10158)	
615 390	n	(P-17741/93.A.4317)	r	(E-13125/P.14308)	am	690 485	n	(P-1691.A-10158)	
615 400	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 505	am	(P-1691.A-10158)	
615 410	n	(P-17798/93.A.4320)	am	(P-14308)	am	690 510	am	(P-1691.A-10158)	
615 420	n	(P-17798/93.A.4320)	am	(P-12228/93.A.2450)	am	690 530	am	(P-1691.A-10158)	
615 430	n	(P-17798/93.A.4320)	am	(P-12228/93.A.2450)	am	690 540	r	(P-1691.A-10158)	
615 440	n	(P-17741/93.A.4317)	am	(E-13125/P.14308)	am	690 560	am	(P-1691.A-10158)	
615 450	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 570	am	(P-1691.A-10158)	
615 460	n	(P-17741/93.A.4317)	am	(P-14308)	am	690 580	am	(P-1691.A-10158)	
615 470	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 590	am	(P-1691.A-10158)	
615 480	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 600	am	(P-1691.A-10158)	
615 490	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 610	am	(P-1691.A-10158)	
615 550	n	(P-17741/93.A.4317)	am	(E-13125/P.14308)	am	690 630	am	(P-1691.A-10158)	
615 560	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 640	am	(P-1691.A-10158)	
615 600	n	(P-17741/93.A.4317)	am	(E-13125/P.14308)	am	690 650	am	(P-1691.A-10158)	
615 610	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 660	am	(P-1691.A-10158)	
615 620	n	(P-17741/93.A.4317)	am	(E-13125/P.14308)	am	690 670	am	(P-1691.A-10158)	
615 630	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 695	am	(P-1691.A-10158)	
615 640	n	(P-17741/93.A.4317)	am	(E-13125/P.14308)	am	690 710	am	(P-1691.A-10158)	
615 700	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 725	n	(P-1691.A-10158)	
615 720	n	(P-17741/93.A.4317)	am	(E-13125/P.14308)	am	690 730	n	(P-1691.A-10158)	
615 730	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 750	am	(P-1691.A-10158)	
615 740	n	(P-17741/93.A.4317)	am	(E-13125/P.14308)	am	690 760	am	(P-1691.A-10158)	
615 750	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 770	am	(P-1691.A-10158)	
615 760	n	(P-17741/93.A.4317)	am	(E-13125/P.14308)	am	690 780	am	(P-1691.A-10158)	
615 770	n	(P-17741/93.A.4317)	r	(P-12228/93.A.2450)	am	690 800	am	(P-1691.A-10158)	
615 800	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 1010	am	(P-1691.A-10158)	
615 810	n	(P-17741/93.A.4317)	am	(E-13125/P.14308)	am	690 1200	am	(P-1691.A-10158)	
615 820	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 1210	r	(P-1691.A-10158)	
615 830	n	(P-17741/93.A.4317)	am	(E-13125/P.14308)	am	690 1210	am	(P-1691.A-10158)	
615 840	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(E-13125/P.14308)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(E-13125/P.14308)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(E-13125/P.14308)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(E-13125/P.14308)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(E-13125/P.14308)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(E-13125/P.14308)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(E-13125/P.14308)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(E-13125/P.14308)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(E-13125/P.14308)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(E-13125/P.14308)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(E-13125/P.14308)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(E-13125/P.14308)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(E-13125/P.14308)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(E-13125/P.14308)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(E-13125/P.14308)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(E-13125/P.14308)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(E-13125/P.14308)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(E-13125/P.14308)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(E-13125/P.14308)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(E-13125/P.14308)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(E-13125/P.14308)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(E-13125/P.14308)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(E-13125/P.14308)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(E-13125/P.14308)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(E-13125/P.14308)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(E-13125/P.14308)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(E-13125/P.14308)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(E-13125/P.14308)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(E-13125/P.14308)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(E-13125/P.14308)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(E-13125/P.14308)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(E-13125/P.14308)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(E-13125/P.14308)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.4317)	am	(P-12228/93.A.2450)	am	690 1210	am	(P-1691.A-10158)	
615 850	n	(P-17741/93.A.							

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730 80	(E-3778)	900 Tb F	r	(P-10640)	1110 1830	am	(P-12593.93A-2993)		
	(E-3202-14819)	900 Tb G	r	(P-10640)	1110 2510		(P-8149.93.A-8455)		
	(E-3755)	900 Tb H	r	(P-10640)	1110 2510	n	(P-8149.93.A-8455)		
	(E-3205-PF-14820)	900 Tb I,Ex A	r	(P-10640)	1110 2530	n	(P-8149.93.A-8455)		
	(E-3778)	900 Tb I,Ex B	r	(P-10640)	1110 2530	n	(P-8149.93.A-8455)		
730 100	(E-3755)	900 Tb I,Ex C	r	(P-10640)	1110 2550	n	(P-8149.93.A-8455)		
	(E-3202-PF-14819)	900 Tb I,Ex D	r	(P-10640)	1110 2610	n	(P-364)		
730 120	(E-3755)	920 10	am	(P-11113)	1110 2620	n	(P-364)		
	(E-3202-PF-14819)	920 15	am	(P-11113)	1110 2630	n	(P-364)		
730 140	(E-3755)	920 20	am	(P-11113)	1110 2640	n	(P-364)		
	(E-3202-PF-14819)	920 30	am	(P-11113)	1110 2650	n	(P-364)		
730 160	(E-3755)	920 50	am	(P-11113)	1130 140	am	(P-8867)		
	(E-3202-PF-14819)	920 60	am	(P-11113)	1130 210	am	(P-8867)		
730 180	(E-3755)	920 60	am	(P-11113)	1130 310	am	(P-8867)		
	(E-3202-PF-14819)	920 70	am	(P-11113)	1130 410	am	(P-8867)		
730 200	(E-3755)	920 80	am	(P-11113)	1130 520	am	(P-8867)		
	(E-3202-PF-14819)	920 90	am	(P-11113)	1130 525	am	(P-8867)		
730 220	(E-3755)	920 100	am	(P-11113)	1130 530	am	(P-8867)		
	(E-3202-PF-14819)	920 110	am	(P-11113)	1130 570	am	(P-8867)		
730 240	(E-3755)	920 120	am	(P-11113)	1130 620	am	(P-8867)		
	(E-3202-PF-14819)	920 130	am	(P-11113)	1130 650	am	(P-8867)		
730 260	(E-3755)	920 140	am	(P-11113)	1130 710	am	(P-8867)		
	(E-3202-PF-14819)	920 150	am	(P-11113)	1130 720	am	(P-8867)		
730 280	(E-3755)	920 160	am	(P-11113)	1130 730	am	(P-8867)		
	(E-3202-PF-14819)	920 170	am	(P-11113)	1130 740	am	(P-8867)		
730 300	(E-3755)	920 180	am	(P-11113)	1130 750	am	(P-8867)		
	(E-3202-PF-14819)	920 190	am	(P-11113)	1130 760	am	(P-8867)		
730 320	(E-3755)	920 Tb A	am	(P-11113)	1130 770	am	(P-8867)		
	(E-3202-PF-14819)	920 Tb B	am	(P-11113)	1130 780	am	(P-8867)		
	(E-3755)	920 Tb H	am	(P-11113)	1130 790	am	(P-8867)		
830 20	am	(P-21290.93A-14404)		(P-2180)	1130 Ap A	am	(P-4538.A-10712)		
830 200	am	(P-21290.93A-14404)		(P-2180)	1400 10	am	(P-4538.A-10712)		
830 500	am	(P-21290.93A-14404)		(P-2180)	1400 20	r	(P-4538.A-10712)		
830 700	am	(P-21290.93A-14404)		(P-2180)	1400 30	r	(P-4538.A-10712)		
830 710	am	(P-21290.93A-14404)		(P-2180)	1400 110	am	(P-4538.A-10712)		
830 Tb A	am	(P-21290.93A-14404)		(P-2180)	1400 Tb A	r	(P-4538.A-10712)		
845.10	am	(E-8021)		(P-2180)	1400 Tb B	r	(P-4538.A-10712)		
845.12	n	(E-8021)		(P-2180)	2090 20	am	(P-5029.C-8731)		
845.28	am	(E-8021)		(P-2180)			(A-14223)		
845.29	am	(E-8021)		(P-2180)	2090 35	n	(P-5029.C-8731)		
845.30	am	(E-8021)		(P-2205)			(A-14223)		
845.31	n	(E-8021)		(P-2205)	2090 40	am	(P-5029.C-8731)		
845.32	n	(E-8021)		(P-2205)			(A-14223)		
845.33	n	(E-8021)		(P-2180)	2090 70	am	(P-5029.C-8731)		
845 50	am	(E-8021)		(P-2180)	2090 100	am	(P-5029.C-8731)		
845 Ap A	am	(E-8021)		(P-2180)	2090 100	am	(P-5029.C-8731)		
890 640	am	(E-14444)		(P-2180)	2090 110	am	(P-18944.93A-5300)		
890 650	am	(E-14444)		(P-2180)	2090 110	am	(P-18944.93A-5300)		
890 1130	am	(E-14444)		(P-2180)	2510		(C-15462)		
890 1140	am	(E-14444)		(P-2180)	2510		(P-18944.93A-5300)		
890 Ap A	am	(E-14444)		(P-2180)	2510 50	am	(P-18944.93A-5300)		
Tb A	am	(E-14444)		(P-2180)	2510 55	am	(P-18944.93A-5300)		
Tb M	am	(E-14444)		(P-2180)	2510 70	am	(P-18944.93A-5300)		
Tb N	am	(E-14444)		(P-9354H-E-9549)			(P-18944.93A-5300)		
Tb O	am	(E-14444)		(P-9354H-E-9549)			(P-18944.93A-5300)		
900 10	am	(P-10640)		(P-9354H-E-9549)	2510 Ap B	am	(P-18944.93A-5300)		
900 15	am	(P-10640)		(P-9354H-E-9549)	2510 Ap B	am	(P-18944.93A-5300)		
900 20	am	(P-10640)		(P-9354H-E-9549)	2510 Ap C	am	(P-18944.93A-5300)		
900 30	am	(P-10640)		(P-9354H-E-9549)	2510 Ap D	am	(P-18944.93A-5300)		
900 40	am	(P-10640)		(P-9354H-E-9549)			(P-8274)		
900 50	am	(P-10640)		(P-9354H-E-9549)	2510 Ap E	am	(P-18944.93A-5300)		
900 60	am	(P-10640)		(P-9354H-E-9549)			(P-8274)		
900 70	am	(P-10640)		(P-9354H-E-9549)	2530 Ap B	am	(P-18944.93A-5300)		
900 80	am	(P-10640)		(P-9354H-E-9549)			(P-13007.93A-5343)		
900 90	am	(P-10640)		(P-9354H-E-9549)					
900 100	am	(P-10640)		(P-12606.93A-2986)	TITLE 80				
900 140	am	(P-10640)		(P-12606.93A-2986)	1 10	am			
900 160	am	(P-10640)		(P-144493A-6448)	1 40	r			
900 170	am	(P-10640)		(P-144493A-6448)	1 45	#			
900 Tb D	r	(P-10640)		(P-9357)	1 50	am			
900 Tb E	r	(P-10640)		(P-12593.93A-2993)					

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(Title 89, cont.)									
260 300	n	(P-3802A-9895)	384 30	n	(P-8528)	431.110	am	(CC-7951 P-7554)	
260 400	n	(P-3802A-9895)	384 60	n	(P-8528)	431.120	am	(CC-7951 P-7554)	
300 20	am	(P-1621 893A-8601)	384 70	n	(P-8528)	431.130	am	(CC-7951 P-7554)	
300 30	am	(P-1627 933A-8377)	384 80	n	(P-8528)	431.140	am	(CC-7951 P-7554)	
300 160	am	(P-1627 933A-8377)	384 90	n	(P-8528)	434.1	am	(P-7115 93A-8697)	
300 App	am	(P-8240)	384 100	n	(P-8528)	434.2	am	(P-7115 93A-8697)	
305 20	am	(P-6467)	384 110	n	(P-8528)	434.3	am	(P-7115 93A-8697)	
305 30	am	(P-6467)	384 120	n	(P-8528)	434.4	am	(P-7115 93A-8697)	
305 40	am	(P-6467)	384 130	n	(P-8528)	434.5	am	(P-7115 93A-8697)	
305 10	re	(A-11510)	385 10	am	(P-8219)	434.6	am	(P-7115 93A-8697)	
306 20	re	(A-11510)	385 20	am	(P-8219)	434.7	am	(P-7115 93A-8697)	
306 30	re	(A-11510)	385 30	n	(P-8219)			(P-8777 E-8944)	
306 40	re	(A-11510)	385 40	n	(P-8219)	434.8	am	(P-7115 93A-8697)	
308 40	re	(A-11510)	385 50	f am	(P-8219)	434.9	am	(P-7115 93A-8697)	
308 60	re	(A-11510)	385 60	f am	(P-8219)	434.10	am	(P-7115 93A-8697)	
308 70	re	(A-11510)	385 70	f am	(P-8219)	434.11	am	(P-7115 93A-8697)	
308 70	re	(A-11510)	385 80	f am	(P-8219)	434.12	am	(P-7115 93A-8697)	
314 10	n	(P-17593 933A-8366)	385 90	f am	(P-8219)	428.150	am	(P-561)	
314 20	n	(P-17593 933A-8366)	385 90	f	(P-8219)	437.7	am	(P-7579)	
314 30	n	(P-17593 933A-8366)	385 100	f	(P-8219)	515.600	am	(P-2846A-11623)	
314 40	n	(P-17593 933A-8366)	402.2	am	(P-8219)	515.610	n	(P-2846A-11623)	
314 60	n	(P-17593 933A-8366)	402.8	am	(E-8481)	515.620	n	(P-2846A-11623)	
314 80	n	(P-17593 933A-8366)	406.7	am	(P-8237 E-8481)	515.630	n	(P-2846A-11623)	
314 90	n	(P-17593 933A-8366)	406.9	am	(P-2883)	515.640	n	(P-2846A-11623)	
314 100	n	(P-17593 933A-8366)	406.12	am	(RC-3152 P-5531)	515.650	n	(P-2846A-11623)	
325 10	n	(P-8765)	406.13	am	(P-2883 RC-3152)	553.35	n	(P-1784A-10241)	
325 20	n	(P-8765)		am	(P-5531)	553.50	am	(P-13048)	
325 30	n	(P-8765)	406.14	am	(RC-3152 P-5531)	553.60	am	(P-13048)	
325 40	n	(P-8765)	408.30	am	(P-2700)	553.105	am	(P-13048)	
325 50	n	(P-8765)	408.45	am	(P-2700)	553.110	n	(P-13048)	
325 60	n	(P-8765)	408.45	am	(P-2700)	557.50	am	(P-12625)	
325 70	n	(P-8765)	408.60	am	(P-11976 93A-5540)	590.400	am	(P-14627)	
325 204	am	(E-14436)	408.65	am	(RC-3153 A-5540)	590.410	am	(P-14627)	
335 206	r	(E-14436)		am	P-2700 P-11976 93A-5540 RC-3153	590.650	am	(P-3106A-11275)	
335 300	am	(E-14436)	408.70	am	A-5540 RC-3153	590.680	am	(P-3106A-11275)	
335 App	am	(E-14436)		am	P-11976 93A-5540	590.670	am	(P-3106A-11275)	
336 150	am	(P-11407)	428.10	am	(RC-3153)	590.675	am	(P-3106A-11275)	
336 5	am	(P-10679 933-11512)	428.20	am	(P-561)	590.680	am	(P-4097A-11271)	
358 1	r	(P-8786)	428.30	am	(P-561)	640.10	n	(P-4097A-11271)	
358 2	r	(P-8786)	428.40	am	(P-561)	688.10	am	(P-4093A-11267)	
358 3	r	(P-8786)	428.50	n	(P-561)	688.20	am	(P-4093A-11267)	
358 4	r	(P-8786)	428.60	am	(P-561)	688.30	am	(P-4093A-11267)	
358 5	r	(P-8786)	428.70	am	(P-561)	688.40	am	(P-4093A-11267)	
358 6	r	(P-8786)	428.90	am	(P-561)	830.150	n	(P-6267A-14240)	
358 7	r	(P-8786)	431.1	am	(CC-7951)	1200.30	am	(P-7780 93A-2104)	
358 8	r	(P-8786)	431.2	am	(CC-7951)	1200.50	am	(P-7780 93A-2104)	
380 1	r	(P-8779)	431.3	am	(CC-7951)	1200.70	am	(P-7780 93A-2104)	
380 2	r	(P-8779)	431.4	am	(CC-7951)	1200.70	am	(P-7780 93A-2104)	
380 3	r	(P-8779)	431.5	am	(CC-7951)	1200.70	am	(P-7780 93A-2104)	
380 4	r	(P-8779)	431.6	am	(CC-7951)				
380 5	r	(P-8779)	431.7	am	(CC-7951)				
380 6	r	(P-8779)	431.8	am	(CC-7951)	14.905	n	(P-5796A-13461)	
380 7	r	(P-8779)	431.9	am	(CC-7951)	14.905	am	(P-5796A-13461)	
380 8	r	(P-8779)	431.10	am	(CC-7951)	14.910	am	(P-5796A-13461)	
380 9	r	(P-8779)	431.11	am	(CC-7951)	14.920	am	(P-5796A-13461)	
380 10	r	(P-8779)	431.12	am	(CC-7951)	14.925	am	(P-5796A-13461)	
380 11	r	(P-8779)	431.15	am	(CC-7951 P-7554)	14.930	am	(P-5796A-13461)	
380 12	r	(P-8779)	431.20	am	(CC-7951 P-7554)	14.940	am	(P-5796A-13461)	
380 13	r	(P-8779)	431.30	am	(CC-7951 P-7554)	14.945	am	(P-5796A-13461)	
380 14	r	(P-8779)	431.40	am	(CC-7951 P-7554)	14.950	am	(P-5796A-13461)	
380 14	f am	(P-8528)	431.50	am	(CC-7951 P-7554)	14.960	am	(P-5796A-13461)	
384 1	f am	(P-8528)	431.60	n	(P-7554)	14.965	am	(P-5796A-13461)	
384 2	f am	(P-8528)	431.70	am	(P-7554)	14.970	am	(P-5796A-13461)	
384 3	f am	(P-8528)	431.80	n	(P-7554)	14.975	am	(P-5796A-13461)	
384 4	f am	(P-8528)	431.90	am	(P-7554)	14.980	am	(P-5796A-13461)	
384 5	am	(E-8474)	431.100	am	(CC-7951 P-7554)	14.985	am	(P-5796A-13461)	
384 5	am	(P-8528)	431.100	am	(CC-7951 P-7554)	14.985	am	(P-5796A-13461)	

(Title 92, cont.)

14,900	am	(P-5796,A-13461)	441,II,C	n	(P-13855)	533,40	n	(P-18447/93,A-2625)	am
14,955	am	(P-5796,A-13461)	441,II,C	n	(P-13855)	533,50	n	(P-18447/93,A-2625)	am
14,997	am	(P-5796,A-13461)	441,II,E	am	(P-13855)	533,60	n	(P-18447/93,A-2625)	am
14,998	am	(P-5796,A-13461)	442,1,30	am	(P-6304,A-14789)	533,70	n	(P-18447/93,A-2625)	am
14,999	am	(P-5796,A-13461)	442,205	am	(P-6304,A-14789)	600,10	n	(P-12613/93,A-540)	am
107,3	am	(P-2133/93,A-7881)	442,230	am	(P-6304,A-14789)	600,20	n	(P-12613/93,A-540)	am
107,105	am	(P-2133/93,A-7881)	442,270	am	(P-6304,A-14789)	600,30	n	(P-12613/93,A-540)	am
107,106	am	(P-2133/93,A-7881)	442,285	am	(P-6304,A-14789)	600,40	n	(P-12613/93,A-540)	am
107,111	am	(P-2133/93,A-7881)	442,710	am	(P-6304,A-14789)	600,50	n	(P-12613/93,A-540)	am
107,123	am	(P-2133/93,A-7881)	443,10	am	(P-13955)	600,60	n	(P-12613/93,A-540)	am
107,315	am	(P-2133/93,A-7881)	443,20	n	(P-13955)	600,70	n	(P-12613/93,A-540)	am
107,317	am	(P-2133/93,A-7881)	443,25	n	(P-13955)	600,80	n	(P-12613/93,A-540)	am
107,601	am	(P-2133/93,A-7881)	443,30	n	(P-13955)	600,90	n	(P-12613/93,A-540)	am
171,4	#	(P-21314/93,A-7881)	443,40	n	(P-13955)	600,100	n	(P-12613/93,A-540)	am
171,15	am	(P-21314/93,A-7881)	443,Ap,A	n	(P-13955)	600,110	n	(P-12613/93,A-540)	am
171,15	am	(P-21314/93,A-7881)	443,Ap,B	n	(P-13955)	600,120	n	(P-12613/93,A-540)	am
171,21	#,am	(P-21314/93,A-7881)	443,Ap,C	n	(P-13955)	600,130	n	(P-12613/93,A-540)	am
171,21	am	(P-21314/93,A-7881)	443,Ap,D	n	(P-13955)	600,140	am	(P-607,A-8167)	am
171,1000	am	(P-21314/93,A-7881)	443,Ap,E	n	(P-13955)	700,25	am	(E-790,A-8167)	am
172,000	am	(P-21326/93,A-7874)	443,Ap,F	n	(P-13955)	700,75	n	(P-607,A-8167)	am
172,2215	am	(P-21326/93,A-7874)	443,Ap,G	n	(P-13955)	708,60	am	(E-790)	am
173,000	am	(P-21345/93,A-7895)	443,Ap,H	n	(P-13955)	708,60	am	(P-1811,A-11284)	am
177,000	am	(P-21305/93,A-7852)	443,Ap,I	n	(P-13955)	708,70	am	(P-1811,A-11284)	am
178,200	am	(P-21351/93,A-7901)	443,Ap,J	n	(P-13955)	1001,40	am	(P-7731,A-15137)	am
179,200	am	(P-21362/93,A-7912)	443,Ap,K	n	(P-13955)	1001,441	n	(C-15642,E-7916)	am
180,200	am	(P-21360/93,A-7857)	443,Ap,L	n	(P-13955)	1001,442	n	(P-7731,A-15137)	am
386,1000	am	(P-13734/93,A-778)	443,II,A	n	(P-13955)	1001,443	n	(C-15642,E-7916)	am
390,1010	am	(P-2912,A-10359)	443,II,B	n	(P-13955)	1001,443	n	(P-7731,A-15137)	am
390,1020	am	(P-2912,A-10359)	443,II,D	n	(P-13955)	1001,443	n	(C-15642,E-7916)	am
390,1140	am	(P-13734/93,A-778)	443,II,E	n	(P-13955)	1001,Ap,A	n	(P-7731,A-15137)	am
390,1000	am	(P-13986/93,A-754)	444,5	am	(P-6318,A-14800)	1030,13	n	(C-15642,E-7916)	am
390,1010	am	(P-13986/93,A-754)	444,10	am	(P-6318,A-14800)	1030,36	n	(P-11924)	am
390,1020	am	(P-2912)	444,15	am	(P-6318,A-14800)	1030,85	am	(P-993,A-7478)	am
390,1030	am	(P-2912)	445,10	am	(P-13835)	1030,96	am	(P-11924)	am
390,2000	am	(P-13986/93,A-754)	445,20	n	(P-13835)	1030,120	am	(P-1803/93,A-1591)	am
391,000	am	(P-13986/93,A-754)	445,30	n	(P-13835)	1040,25	am	(P-2853,A-10853)	am
391,1000	am	(P-13739/93,A-783)	445,40	n	(P-13835)	1040,32	am	(P-12117)	am
391,2000	am	(P-13739/93,A-783)	445,40	n	(P-13835)	1040,35	am	(P-12117)	am
392,000	am	(P-13690/93,A-740)	445,Ap,B	n	(P-13835)	1040,32	am	(P-12117)	am
392,2000	am	(P-2909,A-10362)	447,1000	n	(P-13367)	1040,35	am	(P-2608,A-11650)	am
393,000	am	(P-13730/93,A-774)	447,1010	n	(P-13367)	1040,43	am	(RC-10502)	am
393,2000	am	(P-13693/93,A-793)	447,1020	n	(P-13367)	1040,43	am	(P-1797,A-7447)	am
396,000	am	(P-13699/93,A-749)	447,1030	n	(P-13367)	1060,50	am	(P-142,A-7788)	am
396,2010	am	(P-13699/93,A-749)	447,II,A	n	(P-13367)	1060,10	am	(P-142,A-7788)	am
397,1010	am	(P-13686/93,A-736)	450,110	am	(P-7733,A-1758)	1060,20	am	(P-142,A-7788)	am
397,1020	am	(P-13686/93,A-736)	450,120	am	(P-7733,A-1758)	1060,30	am	(P-142,A-7788)	am
400,410	am	(P-6772,A-14764)	450,130	am	(P-7733,A-1758)	1060,40	am	(P-142,A-7788)	am
400,420	am	(P-6772,A-14764)	450,220	am	(P-7733,A-1758)	1060,50	am	(P-142,A-7788)	am
441,10	n	(P-13855)	451,Ap,A	r	(P-13729)	1060,60	am	(P-142,A-7788)	am
441,20	n	(P-13855)	451,Ap,B	r	(P-13729)	1060,70	am	(P-142,A-7788)	am
441,25	n	(P-13855)	451,Ap,C	r	(P-13729)	1060,80	am	(P-142,A-7788)	am
441,30	n	(P-13855)	451,Ap,D	r	(P-13729)	1060,90	am	(P-142,A-7788)	am
441,40	n	(P-13855)	451,Ap,E	r	(P-13729)	1060,100	am	(P-142,A-7788)	am
441,45	n	(P-13855)	451,Ap,G	r	(P-13729)	1060,110	am	(P-142,A-7788)	am
441,Ap,A	n	(P-13855)	451,II,A	r	(P-13729)	1060,120	am	(P-142,A-7788)	am
441,Ap,B	n	(P-13855)	451,II,B	r	(P-13729)	1060,130	am	(P-142,A-7788)	am
441,Ap,C	n	(P-13855)	456,60	am	(P-4126,A-11650)	1060,140	am	(P-142,A-7788)	am
441,Ap,D	n	(P-13855)	456,70	am	(P-4126,A-11650)	1060,150	am	(P-142,A-7788)	am
441,Ap,E	n	(P-13855)	457,1000	am	(P-11150)	1060,160	am	(P-142,A-7788)	am
441,Ap,F	n	(P-13855)	457,1010	n	(P-11150)	1060,170	am	(P-142,A-7788)	am
441,Ap,G	n	(P-13855)	457,1020	n	(P-11150)	1060,180	am	(P-142,A-7788)	am
441,Ap,H	n	(P-13855)	457,1030	am	(P-11150)	1060,190	am	(P-142,A-7788)	am
441,Ap,I	n	(P-13855)	518,20	am	(P-12628/93,A-283)	1060,200	am	(P-142,A-7788)	am
441,Ap,J	n	(P-13855)	518,750	am	(P-12628/93,A-283)	1070,40	am	(P-18447/93,A-2625)	am
441,Ap,K	n	(P-13855)	533,10	am	(P-18447/93,A-2625)	1070,40	am	(P-18447/93,A-2625)	am
441,Ap,L	n	(P-13855)	533,20	am	(P-18447/93,A-2625)	1070,60	am	(P-18447/93,A-2625)	am
441,II,A	n	(P-13855)	533,30	n	(P-18447/93,A-2625)	1070,80	am	(P-2217,A-10809)	am
441,II,B	n	(P-13855)	533,40	n	(P-18447/93,A-2625)	1070,80	am	(P-2217,A-10809)	am



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(Title 92, cont.)

1070.90	am	(EC-3016)	1375.7170	f	(P-8635/93.A-1927)
1070.100	am	(P-2217.A-10909)	1375.7175	f	(P-8635/93.A-1927)
1202.40	am	(P-2217.A-10909)	1375.7180	f	(P-8635/93.A-1927)
1205.10	am	(E-14157)	1375.7190	f	(P-8635/93.A-1927)
1205.20	f	(P-21250/93.A-11155)	1375.7200	f	(P-8635/93.A-1927)
1205.110	am	(P-21250/93.A-11155)	1375.7210	f	(P-8635/93.A-1927)
1205.200	f	(P-21250/93.A-11155)	1375.7220	f	(P-8635/93.A-1927)
1236.10	n	(P-8635/93.A-1927)	1375.7230	f	(P-8635/93.A-1927)
1375.10	f	(P-8635/93.A-1927)	1375.7240	f	(P-8635/93.A-1927)
1375.15	f	(P-8635/93.A-1927)	1375.7250	f	(P-8635/93.A-1927)
1375.20	f	(P-8635/93.A-1927)	1375.7260	f	(P-8635/93.A-1927)
1375.30	f	(P-8635/93.A-1927)	1375.8100	f	(P-8635/93.A-1927)
1375.40	f	(P-8635/93.A-1927)	1375.8110	f	(P-8635/93.A-1927)
1375.50	f	(P-8635/93.A-1927)	1375.8120	f	(P-8635/93.A-1927)
1375.60	f	(P-8635/93.A-1927)	1375.8130	f	(P-8635/93.A-1927)
1375.80	f	(P-8635/93.A-1927)	1375.8140	f	(P-8635/93.A-1927)
1375.85	f	(P-8635/93.A-1927)	1376.10	n	(P-8630/93.A-1914)
1375.1000	f	(P-8635/93.A-1927)	1376.20	n	(P-8630/93.A-1914)
1375.1010	f	(P-8635/93.A-1927)	1376.30	n	(P-8630/93.A-1914)
1375.1020	f	(P-8635/93.A-1927)	1376.40	n	(P-8630/93.A-1914)
1375.1030	f	(P-8635/93.A-1927)	1425.10	am	(P-18715/93.A-11162)
1375.1040	f	(P-8635/93.A-1927)	1425.20	am	(P-18715/93.A-11162)
1375.1050	f	(P-8635/93.A-1927)	1425.30	am	(P-18715/93.A-11162)
1375.1060	f	(P-8635/93.A-1927)	1425.40	am	(P-18715/93.A-11162)
1375.1070	f	(P-8635/93.A-1927)	1710.134	n	(P-21257/93.A-8609)
1375.1080	f	(P-8635/93.A-1927)	1710.170	am	RC-13499;EC-15646)
1375.1090	f	(P-8635/93.A-1927)			(P-21257/93.A-8609)
1375.1100	f	(P-8635/93.A-1927)			
1375.1110	f	(P-8635/93.A-1927)	Title 95		
1375.1120	f	(P-8635/93.A-1927)	122.10	n	(E-15449)
1375.1130	f	(P-8635/93.A-1927)	122.20	n	(E-15499)
1375.1140	f	(P-8635/93.A-1927)	122.30	n	(E-15499)
1375.1150	f	(P-8635/93.A-1927)	122.40	n	(E-15499)
1375.1160	f	(P-8635/93.A-1927)			
1375.1170	f	(P-8635/93.A-1927)			
1375.2010	f	(P-8635/93.A-1927)			
1375.2020	f	(P-8635/93.A-1927)			
1375.2030	f	(P-8635/93.A-1927)			
1375.2040	f	(P-8635/93.A-1927)			
1375.2050	f	(P-8635/93.A-1927)			
1375.2060	f	(P-8635/93.A-1927)			
1375.2070	f	(P-8635/93.A-1927)			
1375.2080	f	(P-8635/93.A-1927)			
1375.3010	f	(P-8635/93.A-1927)			
1375.3020	f	(P-8635/93.A-1927)			
1375.3030	f	(P-8635/93.A-1927)			
1375.4010	f	(P-8635/93.A-1927)			
1375.5010	f	(P-8635/93.A-1927)			
1375.6010	f	(P-8635/93.A-1927)			
1375.6020	f	(P-8635/93.A-1927)			
1375.6030	f	(P-8635/93.A-1927)			
1375.7010	f	(P-8635/93.A-1927)			
1375.7020	f	(P-8635/93.A-1927)			
1375.7030	f	(P-8635/93.A-1927)			
1375.7040	f	(P-8635/93.A-1927)			
1375.7050	f	(P-8635/93.A-1927)			
1375.7060	f	(P-8635/93.A-1927)			
1375.7070	f	(P-8635/93.A-1927)			
1375.7080	f	(P-8635/93.A-1927)			
1375.7090	f	(P-8635/93.A-1927)			
1375.7100	f	(P-8635/93.A-1927)			
1375.7110	f	(P-8635/93.A-1927)			
1375.7120	f	(P-8635/93.A-1927)			
1375.7130	f	(P-8635/93.A-1927)			
1375.7140	f	(P-8635/93.A-1927)			
1375.7150	f	(P-8635/93.A-1927)			
1375.7160	f	(P-8635/93.A-1927)			



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PLEASE USE THIS FORM FOR ALL RETURNS OR PAYMENTS TO THE DEPARTMENT OF REVENUE.  
ALL RETURNS ARE DUE BY APRIL 15TH OF EACH YEAR. IF YOU ARE LATE, THERE WILL BE A PENALTY.  
CHECKS SHOULD BE MADE OUT TO THE ORDER OF THE ALABAMA DEPARTMENT OF REVENUE.

SECTION 1: IDENTIFY YOURSELF AND YOUR BUSINESS.  
NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

SECTION 2: IDENTIFY YOUR BUSINESS.  
BUSINESS NAME: \_\_\_\_\_  
BUSINESS ADDRESS: \_\_\_\_\_  
BUSINESS CITY: \_\_\_\_\_ BUSINESS STATE: \_\_\_\_\_ BUSINESS ZIP: \_\_\_\_\_

SECTION 3: IDENTIFY YOUR BUSINESS.  
BUSINESS NAME: \_\_\_\_\_  
BUSINESS ADDRESS: \_\_\_\_\_  
BUSINESS CITY: \_\_\_\_\_ BUSINESS STATE: \_\_\_\_\_ BUSINESS ZIP: \_\_\_\_\_

SECTION 4: IDENTIFY YOUR BUSINESS.  
BUSINESS NAME: \_\_\_\_\_  
BUSINESS ADDRESS: \_\_\_\_\_  
BUSINESS CITY: \_\_\_\_\_ BUSINESS STATE: \_\_\_\_\_ BUSINESS ZIP: \_\_\_\_\_

SECTION 5: IDENTIFY YOUR BUSINESS.  
BUSINESS NAME: \_\_\_\_\_  
BUSINESS ADDRESS: \_\_\_\_\_  
BUSINESS CITY: \_\_\_\_\_ BUSINESS STATE: \_\_\_\_\_ BUSINESS ZIP: \_\_\_\_\_

SECTION 6: IDENTIFY YOUR BUSINESS.  
BUSINESS NAME: \_\_\_\_\_  
BUSINESS ADDRESS: \_\_\_\_\_  
BUSINESS CITY: \_\_\_\_\_ BUSINESS STATE: \_\_\_\_\_ BUSINESS ZIP: \_\_\_\_\_

SECTION 7: IDENTIFY YOUR BUSINESS.  
BUSINESS NAME: \_\_\_\_\_  
BUSINESS ADDRESS: \_\_\_\_\_  
BUSINESS CITY: \_\_\_\_\_ BUSINESS STATE: \_\_\_\_\_ BUSINESS ZIP: \_\_\_\_\_

SECTION 8: IDENTIFY YOUR BUSINESS.  
BUSINESS NAME: \_\_\_\_\_  
BUSINESS ADDRESS: \_\_\_\_\_  
BUSINESS CITY: \_\_\_\_\_ BUSINESS STATE: \_\_\_\_\_ BUSINESS ZIP: \_\_\_\_\_

SECTION 9: IDENTIFY YOUR BUSINESS.  
BUSINESS NAME: \_\_\_\_\_  
BUSINESS ADDRESS: \_\_\_\_\_  
BUSINESS CITY: \_\_\_\_\_ BUSINESS STATE: \_\_\_\_\_ BUSINESS ZIP: \_\_\_\_\_

SECTION 10: IDENTIFY YOUR BUSINESS.  
BUSINESS NAME: \_\_\_\_\_  
BUSINESS ADDRESS: \_\_\_\_\_  
BUSINESS CITY: \_\_\_\_\_ BUSINESS STATE: \_\_\_\_\_ BUSINESS ZIP: \_\_\_\_\_

SECTION 11: IDENTIFY YOUR BUSINESS.  
BUSINESS NAME: \_\_\_\_\_  
BUSINESS ADDRESS: \_\_\_\_\_  
BUSINESS CITY: \_\_\_\_\_ BUSINESS STATE: \_\_\_\_\_ BUSINESS ZIP: \_\_\_\_\_

SECTION 12: IDENTIFY YOUR BUSINESS.  
BUSINESS NAME: \_\_\_\_\_  
BUSINESS ADDRESS: \_\_\_\_\_  
BUSINESS CITY: \_\_\_\_\_ BUSINESS STATE: \_\_\_\_\_ BUSINESS ZIP: \_\_\_\_\_

SECTION 13: IDENTIFY YOUR BUSINESS.  
BUSINESS NAME: \_\_\_\_\_  
BUSINESS ADDRESS: \_\_\_\_\_  
BUSINESS CITY: \_\_\_\_\_ BUSINESS STATE: \_\_\_\_\_ BUSINESS ZIP: \_\_\_\_\_

SECTION 14: IDENTIFY YOUR BUSINESS.  
BUSINESS NAME: \_\_\_\_\_  
BUSINESS ADDRESS: \_\_\_\_\_  
BUSINESS CITY: \_\_\_\_\_ BUSINESS STATE: \_\_\_\_\_ BUSINESS ZIP: \_\_\_\_\_

BRUCE A. ELLIS  
SECRETARY OF STATE  
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